



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

45. 1623.



45. 1623.









OBSERVATIONS
ON THE
EDUCATION AND EXAMINATIONS
FOR
Degrees in Medicine,
AS AFFECTED BY
THE NEW MEDICAL BILL;
WITH REMARKS ON
THE PROPOSED LICENCING BOARDS; THE SOCIETY OF APOTHECARIES; THE
REGISTRATION OF MEDICAL PRACTITIONERS; AND THE
CONSTITUTION OF THE "COUNCIL OF HEALTH."
IN A LETTER TO THE
RIGHT HON. SIR JAMES GRAHAM, BART.

BY RICHARD QUAIN, F.R.S.,

PROFESSOR OF ANATOMY IN UNIVERSITY-COLLEGE, LONDON; AND SURGEON TO UNIVERSITY-COLLEGE HOSPITAL.



LONDON:
JOHN MURRAY, ALBEMARLE STREET.

... contracts that no such Degree
Universities, except after *two years'* stu-
dier examination in Medicine and the alli-
in the *Latin and English languages* at leas-
The twenty-sixth clause provides for the
examining bodies, and this provision, taken
with clauses (the sixteenth and twenty-third
) will, confer on the Professors of certain s-
taking part in the examination of their c-
tters Testimonial of Physicians and of Gen-
is to these provisions of the Bill especially
ur attention; and the observations to be t-
nsideration will be directed to the following
First: The small amount of *preliminary* ed-
sed to require for University Degrees in M-
th the manner of testing the attainments o-
Degrees in general and professional knowle-
Secondly : The share to be assigned practical
some Schools, in examining into the fitn-
pils to receive the Diplomas or Letter
actitioners.

To the discussion of these, the main object
added some remarks on other parts of the
bearing on the ~~same subject~~.

By pursuing this course I shall be enabled to place the results of the inquiry here alluded to in a connected form before you, and at the same time to show what has been recommended, and what has been done under the sanction of the Government, concerning the education for University Degrees in Medicine within the last few years. It will then be apparent how far the present proposed legislation is in harmony with the progress which has been already made.

Two Royal Commissions were issued for visiting the Universities of Scotland—one in 1826, the other in 1830—and both bear the signature of Sir ROBERT PEEL, who at that time was Secretary of State for the Home Department. The General Report of the Commission, with the Appendix, was “ordered by the House of Commons to be printed” in 1831. The evidence appeared at a later period—1837. To the Report are attached the signatures of the Commissioners, as follows:—

ROSEBERRY, CHAIRMAN.
GORDON
HADDINGTON
ABERDEEN
MELVILLE
C. HOPE
WM. RAE
D. BOYLE
GEO. CRANSTOUN
JAMES W. MONCRIEFF
JOHN HOPE
THOS. TAYLOR
GEORGE COOK
H. HOME DRUMMOND.

It may be stated here, as showing the attention paid to the details of their Report by all the Commissioners, that some Members, including those highest in rank, express dissent from certain parts. There is no evidence of any difference of opinion on the portion of the Report affecting the Medical Faculties of the Universities.

The views of the Commissioners will be best set forth in their own words. The parts to be extracted will be taken from the

"General Report," and the "Appendix to the General Report;" and they will have reference to—

The amount of preliminary Education which ought to be required for a University Degree in Medicine; and to—

The manner of conducting Examinations into the general and professional attainments of the Candidates.

In the "Appendix," p. 187, the subject of the General Education is thus treated:—

"Preliminary Education."—"It would seem a matter about which all might be agreed, that it is desirable that Medical Practitioners should be men of enlightened minds, accustomed to exert their intellectual powers, and familiar with habits of accurate observation and cautious reflection. It is also desirable that they should have that degree of literary attainment which will prevent them, when mingling as they must do with mankind in the exercise of their profession, from being looked upon with contempt, or from committing errors in conversation and in writing for which others would be despised: because, even upon the supposition that, notwithstanding this, they have high professional acquisition, the law of association will operate, and the conclusion will be drawn, that much confidence cannot be placed in them. This tendency not to confide in him is one of the most formidable difficulties with which a Physician has to struggle; much, unquestionably, of the success of ordinary practice depending upon the feelings of trust and security with which he is regarded. There is, too, a connection between the Sciences, the cultivation of one certainly predisposing, or at least creating a facility, for the cultivation of another. And with a view to the general dissemination of knowledge, it would be of moment that a class of men so widely diffused, and mingling so much with society as the Members of the Medical Profession, should be so instructed as to be able to give a tone to conversation, or to promote among those with whom they associate the love and the pursuit of literary and scientific accomplishments. But after granting all this, the question still remains, whether there should be, before commencing the study of Medicine, or while that study is pursued, the acquisition of what is commonly called a learned education; and it is as to this that most intel-

ligent men of medical proficiency are not agreed. Dr. Alison submitted to us a paper relating to this subject, which had been read over to the Medical Faculty [of the University of Edinburgh], and approved of by them; so that he says that he considered it to be their opinion as well as his own, all assenting to it except the late Dr. Duncan, who was understood to hold notions which did not agree with it. This paper advocates the side of the question which is unfavourable to high literary acquirements; and there are two principal grounds upon which the pleading is rested. It lays down, that 'experience does not entitle us to say that the skill of Physicians is by any means in proportion to their attainments in general literature and science..... In fact we may safely assert, that the talents and habits of mind by which great and varied acquisitions of literature and science are made, and which a long-continued course of such study is calculated to form, are very different from those attainments by which the most judicious practitioners are distinguished..... Every medical man has besides to acquire habits of business, observation of mankind, and a knowledge of the world. These acquirements of themselves make up to many medical men for the want of scientific knowledge, but the knowledge of all the Sciences cannot make up to them for the want of those; and in general, I believe, we may say, that the habits of a Student who has gone through a very long and varied course of literature and science, are not those which will fit a man for that kind of intercourse with the world by which a Physician must live.'

"The amount of this would seem to be," (continue the Commissioners), "that literature is a positive evil to a physician; that it unfits him for the habits and state of mind which he ought to cultivate; and that it will be an obstacle to his success in practice. It is difficult to conceive that the learned Medical Faculty could have intended to go so far as this; but it is plain that there is much fallacy in the assertions, for it can scarcely be called reasoning, which they here adduce. It is unquestionably true, that if a man were to devote himself in the manner stated to literature and science, making these the chief, or almost the exclusive objects of his

pursuit, he would not be a good Physician : but this is not at all what is intended ; the sole object being, that a Physician should have that liberal education which is implied in a Course of University attendance. By acquiring this, the mind would be invigorated for any intellectual pursuit, and it could superinduce no habit disqualifying for the activity of exertion, or for mingling in society as a medical man must do. Such education also, it is to be remembered, would be completed, or nearly so, before medical pursuits commenced, certainly long before practice was attempted, and would not therefore have the effect which is here supposed."

" But there is a different reason assigned for not making the standard of education, previously to entering upon the study of Physic, or even to conferring a Degree in it, very high. 'There are other Degrees,' Dr. Alison [who as Dean of Faculty, expressed the opinion of his Colleagues], proceeds to observe, 'such as Diplomas to Surgeons and Apothecaries, which are obtained by a less expensive education than that which is given in the University, and on which a great number of Medical men practise all branches of the profession in all parts of the country with success and reputation. Unless it can be made quite clear that any additional qualifications which we demand will raise the value of the Degree of our Graduates in the eyes of the public, and increase therefore their chance of professional success, the effect of making our Degree more difficult of attainment will only be to increase the proportion of Medical men practising upon inferior Degrees, and to lower rather than to elevate, upon the whole, the general average of the attainments of professional men.'

" It is thus represented, that because, which is undoubtedly true, there are men who practise with little or no literary attainment, the general tone of the profession should be lowered, or at least that no attempt should be made to elevate it, because, the expense being thus increased, the number of enlightened Graduates would be diminished, and practice would be surrendered, much more than it is, to those of inferior qualifications. But this reasoning is far from being conclusive. There is, it is to be lamented, too great a disposition in many to prefer

quackery to sound Medical Science ; and by those who do so, the literature of Medical men will not be held in much estimation. But as no one would contend that, on this account, quackery should be preferred to knowledge, upon the same ground it would seem that want of literature should not be preferred to learning. In fact, the preparatory education for which some contend, does not interfere in the slightest degree with the Medical ; it only tends to make the practitioner a more enlightened man, and it is not easy to see how the acquisition of it should have the effect which Dr. Alison and the Faculty assign to it. But the presumption is, that, upon the whole, the possession of it would prove an advantage, and would gain, among the thinking part of the community, a decided preference for those who enjoyed it. At present it is found, that although many may practise with inferior Degrees, they consider it as an object to get the highest Degree ; and this can arise solely from the conviction that the having such a Degree would increase their respectability and their practice.” (*Appendix to General Report*, p. 188.)

After some further remarks on parts of the Evidence, the Commissioners continue as follows :—

“ But it is requisite to bring under notice what some most enlightened physicians have asserted on the other side.

“ Dr. John Thomson states to us, that ‘the improvement of the literary and scientific education of candidates for Medical Degrees might, I think, be effected by requiring of young men entering on the study of Medicine, with the intention of graduating, that they shall have received a proper preliminary education, consisting of a competent knowledge of the Greek and Latin languages, and of the elementary parts of Mathematics ; by making Natural Philosophy a necessary branch of the education of candidates for Medical Degrees ; and by encouraging them to study other branches of liberal education, such as Logic and Moral Philosophy, either previously or subsequently to their entering on their Medical Studies. The importance of these elementary branches of education to Students of Medicine arises, I conceive, not only from the tendency which their cul-

tivation has to open, enlarge and strengthen the understanding, but also from a competent knowledge of them being absolutely necessary to enable Students to comprehend readily those lectures and books through which their professional information must be obtained.' Dr. Thomson adds, 'I am far, however, from thinking that it should be required of Medical Graduates that they should be profound scholars, or deeply versed in Mathematics, Natural Philosophy, or Metaphysics; but I entertain no doubt whatever, that they who have previously gone through the mental discipline necessary for acquiring a competent knowledge of these branches of education, must enter on their Medical Studies, and pursue them with their minds infinitely better prepared for acquiring professional knowledge, than those who have not received such a preparatory education. The degree of preliminary knowledge, in Latin, Greek, and Mathematics, which I conceive to be necessary for Students of Medicine, can be easily attained, I believe, in every part of these kingdoms; and the time of Students, I am convinced, would be much more profitably employed in acquiring some knowledge of these branches, than in serving, as many of them do, long, useless, and expensive apprenticeships in the performance of mechanical and menial services.' . . 'I have no doubt that if this were done, after two or three years, every young man who came to the University would be prepared with those preliminary branches of knowledge which had been declared to be requisite.'

"Dr. Abercrombie, who is at the head of the Profession, and has had ample opportunities of knowing the circumstances and views of Medical Students, states, that his opinion as to preliminary education, is, that 'there should be an accurate acquaintance with the Latin and French languages, and Natural Philosophy; and afterwards, as collateral branches, a knowledge of Moral Philosophy and Logic.'

Dr. Abercrombie appears to have made a distinction between subjects which ought to be accurately known, and others of which a less accurate knowledge would be sufficient. In the "Evidence", a little before that part from which the preceding

extract has been taken, by the Commissioners, the following reply was given by Dr. Abercrombie to a question respecting the " previous Education " to be required for a Degree :—

" The first point which occurs to me, as worthy of attention, is an improvement in the preliminary education of Medical Students ; particularly, that when they come forward, they should be very correctly acquainted with the Latin and French languages, with the Elements of Mathematics, and some competent knowledge of Greek ; likewise, Natural Philosophy, particularly if it is taught in the more popular way, that is, by means of experiment, and not rendered abstruse by means of the higher Mathematics. There are two other branches, which appear to me to be of great importance, though I would not properly call them preliminary ; I mean Moral Philosophy and Logic. With regard to Moral Philosophy, I think it cannot be studied with advantage, by a boy of the age of 16 or 17, when preliminary studies are gone through ; and with regard to Logic, which is of great moment for a medical man, perhaps it cannot be studied with advantage, until the mind is previously well informed as to the facts of Physical and Moral Science, to which its rules are to be applied. So that those two branches might perhaps be called collateral, rather than preliminary, and should be taken as a part of the course of study, but at a more advanced period."

" Dr. Davidson (continue the Commissioners) thus delivers his sentiments : 'The first subject that attracted my attention, in reflecting upon the education of Medical Graduates, was that of preliminary instruction, for which but very slight provision is made in the *Statuta Solennia* of this University, an acquaintance with Latin being only required.' . . . 'I conceive that the branches of preparatory education should be Greek, Latin, French and Mathematics ; whilst Natural Philosophy, Logic, Moral Philosophy, and Natural History, may be acquired, either before beginning the study of Medicine, or may be attended to along with the Medical Classes. I presume that although Natural Philosophy, Logic and Ethics, will probably be studied either at this or some other University, Languages, with Mathematics, may be acquired wherever any such instruction can be procured : and that the proficiency of the Students in those branches of

knowledge may be certified either by Diplomas, Certificates from respectable Schools or Academies, or by their undergoing an Examination by the Professors of this University. If I were asked the reasons for recommending a more extensive preliminary education for Medical Graduates, I should be puzzled, not from the difficulty of discovering them, but from the fear of that ridicule which attaches itself to advancing arguments in favour of an opinion which is so manifestly correct as to require no support. . . . ‘Experience has convinced me that those students whose minds have been previously cultivated, make the most steady and rapid progress in their new pursuits, which are much less difficult to them than to those who are totally unscientific, and deficiently educated. I know, besides, that it is a common subject of regret among most Physicians, as it is with myself, that they did not make use of youth, leisure, and opportunity in laying a broad and deep foundation of general knowledge on which to rest their Medical acquirements. I may be permitted to add, that were I not convinced of the necessity for a liberal education preliminary to the study of Medicine, I should surrender my doubts to the authority of much wiser men in England, Ireland, France, Germany, and Italy, by whose influence it has been established in the Medical Schools of those countries; nor should I be inclined to submit less willingly to the decision of the Faculty of Arts in this College, who strongly recommended a preparatory education for the Medical Graduates, in a memorial presented, I believe, to the Senatus Academicus.’’ (*Appendix to General Report*, p. 189).

To the foregoing Extracts from the Evidence of Eminent Physicians, given by the Commissioners in their “*Appendix to the General Report*,” it may be well to add the opinions of another class of Practitioners. I find that, (the Right Honourable Lord Binning, who signed the Report as Earl of Haddington, being in the chair) :

“ William Wood, Esq., a Fellow of the Royal College of Surgeons of Edinburgh”, delivered his sentiments on the same subject in the following terms :—

“ By the new regulations, I observe that, at a private examination, previously to their being examined upon strict professional

knowledge, the candidates are to be tried as to their knowledge of Latin. So far it seems an improvement. But I would remark, with the exception of Latin, there is no regulation made to secure a knowledge of any of those branches of education, which I look upon as necessary for a Doctor of Medicine. There is no mention made of *Greek*. I conceive every man, who is to be a Graduate in the University of Edinburgh, or of any other respectable College, ought to have a knowledge of Greek. I do not mean to say that a man cannot practise Medicine in any of its branches who has not learned Greek ; but I think his acquisition of professional knowledge will be much facilitated by it : and his education will not be considered as perfect, and he will not hold that respectable situation among medical men, or in society, which a Graduate of this University should hold, without a knowledge of this language. With regard to the Modern Languages, I do not know that I have to say anything, except that I look upon French as indispensable ; I believe it is generally attained by students. I think the German and Italian would be useful accomplishments, but I do not think that they should be made essential. I look upon a knowledge of Mathematics as quite essential, before a young man enters upon his Medical education. It is not possible for pupils to pick up a knowledge of Anatomy, Chemistry, or any of the other branches, without a proper knowledge of Mathematics. Next to Mathematics, I conceive Natural Philosophy to be quite essential. I conceive that every Medical man, and particularly every Doctor of Medicine, ought to have a knowledge of Natural Philosophy, to enable him to understand professional subjects, particularly Physiology. There are two other branches which I consider likewise that a Graduate of the University ought to be acquainted with ; I do not call them preliminary exactly, for perhaps it were better they were not taken at so early an age as that at which young men generally begin to study Medicine ; I allude to *Logic* and *Moral Philosophy*. I conceive it to be of importance that a medical man, obtaining the highest honours in the profession, should understand Logic and Moral Philosophy. My reason for not mentioning them among the preliminaries is, that I think it would be more advantageous that Moral Philo-

sophy should be taken at a more advanced age; and perhaps Logic is somewhat in the same situation. I consider it a defect in the regulations now in existence that they do not enforce attendance upon these."

With respect to the preliminary Education of Surgeons, Mr. Wood says—"I conceive Latin and Greek, and I may mention French, as it is an accomplishment so generally acquired; Mathematics and Natural Philosophy, to be essentially necessary; I would almost add Logic and Moral Philosophy. I really think the education of a Surgeon very defective indeed if it does not include these branches. In speaking of Logic and Moral Philosophy, I should mention that I speak with decision; because these branches were not so commonly taken in the days I studied, and I have felt the disadvantage of not having got them, as I might or should have done." (*"Evidence Oral and Documentary,"* vol. i. page 335.)

And George Bell, Esq., Surgeon, gave his opinion thus:—

"In the first place they (Candidates for Degrees in Medicine) should produce either their degree of A.M., or testimonials of their having made proficiency equivalent to that degree in Latin, Greek, Mathematics, Natural Philosophy, Logic, and Moral Philosophy; or they ought to be examined by competent judges as to those points. I think French also would be a valuable acquirement, and Natural History ought to be attended in the course of the Curriculum. Secondly, they should give proofs of being acquainted with their own language." (*"Evidence Oral and Documentary,"* vol. i. page 447.)

The Commissioners thus proceed:—"There is much other evidence to the same effect, but it is sufficient to point out the leading views upon the subject; the particular grounds of opinion it would be impossible, within the limits of this Report, to detail. The conclusion to be deduced seems unquestionably to be decidedly in favour of a superior preliminary education to that which is now required. This can be obtained, apparently, without the slightest hardship; the more elementary parts of it being procured previously to the commencement of Medical studies, and the more advanced during the prosecution of those studies; an arrangement which it is

in evidence could without difficulty be made. It would thus not be essential that there should be a Degree of Master of Arts, but merely that there should be an acquaintance with the learned languages and other branches of knowledge; and by combining with the Medical Classes what can be acquired only at a University, the residence in Edinburgh would not be prolonged. The character of the Medical Profession would thus be much raised, and provision made, as has been already stated, for spreading throughout the country enlightened and well-informed men, who might be instrumental in increasing to a great degree the advantages to be derived from social intercourse, while they would have access to sources of enjoyment peculiarly valuable in the sequestered situation in which many Medical Practitioners must spend the great part of life."

The conclusion, the Commissioners arrived at, is thus expressed in the "General Report," p. 56 :—

"On the subject of the Preliminary Education which should be required of candidates for Degrees in Medicine, we have had much deliberation, and received a great deal of evidence. It has appeared to us to be a matter of great importance that the persons who are to practise Medicine should be men of enlightened minds, accustomed to exercise their intellectual powers, and familiar with habits of accurate observation and cautious reflection; and that they should be possessed of such a degree of literary acquirement as may secure the respect of those with whom they are to associate in the exercise of their profession. We therefore thought it an indispensable qualification for a Medical Degree that the individual should have some reasonable acquaintance with the Greek and Latin languages, and with Mathematics and Philosophy; and though strong doubts have been expressed by many of the Medical Professors as to the expediency of rendering this an essential condition, from an apprehension that it might prevent many persons from taking the benefit of the instruction in Medical Science to be obtained in the Universities, we have found our opinion on this point confirmed by every one of the eminent Physicians and Surgeons, not belonging to the Universities, whom we examined, as well as by some of the Professors themselves; while we have

also been fully satisfied, by a due consideration of the matter itself, and of the evidence before us, that there is no solid ground for the apprehensions entertained.

"The necessity of some knowledge of Latin is universally admitted. The great importance of a competent acquaintance with the Greek language seems to be clearly established by the nature of the Medical Nomenclature, and by the fact that some of the books of Medicine, which are still of authority, are in that language; and no doubt has been expressed to us by any one as to the great assistance, in his Medical pursuits, which the Student must derive from having been previously instructed in Mathematics and the different branches of Philosophy. Taking, at the same time, a more general view of the subject, it has appeared to us that unless a man has passed through a course of education, embracing in some reasonable degree all these departments of knowledge, there can be no security that he possesses the enlargement of understanding which is alike necessary to guard him against rashness of speculation in practice, and to preserve the correctness and delicacy of personal conduct which the duties of a Physician so peculiarly require. And we are also of opinion, that as the Degree of Doctor in Medicine obtained in a University is a dignity conferred, not by the Professors of Medical Science alone, but also by all the Professors of Literature and Philosophy, it would be inconsistent with the nature of such Graduation that the distinction should be bestowed without any inquiry into the attainments of the persons receiving it in Classical Learning or Philosophical Science.

"An idea seems to be entertained by persons of great respectability, that the character of the Universities, as Schools of Medicine, is to be measured by the number of Degrees which are conferred by them; and that if any considerable extent of previous education were required, fewer persons would apply for them, Licenses to practice would be obtained elsewhere, and the number of Students attending the Universities would be greatly diminished. But, while we should not be satisfied of the sufficiency of this objection, even though the principle of it were well founded, and humbly think that it would go far to

sanction laxity of examination in general, we are of opinion that it is not correct in principle, or at all supported by experience. It appears to us that the reputation of a University does not depend on the *number* of the Degrees which are granted by it, but must depend entirely on the nature of the qualifications which the possession of such Degrees implies in the persons on whom they are conferred : and, being satisfied of the truth of this proposition, we see no good ground for thinking that, by raising the value of the Degree in Medicine in the Scotch Universities, we shall thereby lessen the demand for it ; on the contrary, the only consequences which we can anticipate from any regulations reasonably laid down for this object are, that the Students will come to the study of Medicine better prepared to profit by the instructions they receive, and that there will be a more general desire to obtain a Degree in these Universities, when it has thus been rendered the more sure introduction to professional success or eminence." (*General Report*, p. 57.)

And the Report on Preliminary Education is ended in the following words :—

" After full consideration of this subject, and referring to the whole evidence relating to it, we have come to the resolution that a certain preliminary education in Literature and Philosophy ought to be required of all candidates for the Degree of Doctor in Medicine. We do not, however, propose to require that they shall have gone through the Curriculum of Arts in the University, but only that they shall, at the time of being taken on trials for the Degree, possess the information which the regulation prescribes.

" We have resolved accordingly, ' That the general attainments of Candidates for the Degree of Doctor in Medicine should embrace a competent knowledge in Latin, Greek, Mathematics and Natural Philosophy ; and that this knowledge should be ascertained by an Examination, to be conducted by the Examiners for Degrees in Arts, in such works as shall be fixed by the Faculty of Arts, which Examination must take place previously to the Examination for the Medical Degree,

except in the cases where the Candidates have the Degree of Bachelor of Arts'." (*General Report*, p. 57)

Medical Education.—The foregoing observations are followed in the "General Report" (page 59) by an exposition of the opinion the Commissioners were led to form " respecting the course of study in the science of Medicine which ought to be followed by persons desirous of obtaining a Degree." Into the details of the recommendations made it is unnecessary to enter here, as the subject will come under observation incidentally in the sequel. It may be stated, however, that the Commissioners recommended four years as the period of Medical Study. They, at the same time, expressed the opinion that for the Degree of Doctor the term of study ought to be longer; but they did not think it prudent that the more lengthened course of study should then (1831) be enforced (p. 61).

Examinations.—Closely connected with the extent of Education, whether general or professional, is the method of Examination, for it is clearly of little use to prescribe extended and well devised plans of study unless the test applied to the attainments of the Student is adapted to support and develop those plans. As already shown, it was part of the "resolution" of the Commissioners with respect to the Examination into the general attainments of students, that the Examination should "be conducted by the Examiners for Degrees in Arts, in such works as shall be fixed by the Faculty of Arts." In explanation of the term "Examiners in Arts," it should be mentioned that a previous recommendation had been made to the effect that other persons than the Professors should examine for the Degrees in Arts, in these words:—"That Examiners for Degrees, not being Professors, should be appointed by the Senatus Academicus," and—"That every Examiner should be precluded from examining any Candidate who has been one of his own pupils." (*General Report*, pp. 40, 41).

The reasoning of the Commissioners on the proper conduct of Examinations for Degrees is contained in two parts of their "General Report." The more general observations, which equally apply to Degrees in all subjects, occur in discussing the

proper method of Examination for the Degrees in Arts, and some additional remarks having special application are made with reference to Medical Degrees. Both passages will be cited, in order fully to develop the views of the Commissioners on this subject. The views of such a body are now especially important, for, besides their immediate reference to the Examination for Degrees, they may be said to have direct bearing on the propriety of empowering Professors, as proposed in this Bill, to take part in the Examination of their own pupils for the Letters Testimonial of Medical Practitioners. At page 43 of the Report, the Commissioners write thus:—

“When the Candidates are examined by the Professors, there is always the greatest risk that the Examinations will degenerate into a mere form. The qualifications of many will be known to the Professors. The Professors will naturally be disposed to be easily satisfied in regard to the qualifications of those who acquitted themselves to their satisfaction as Students; and even if more rigorously conducted, the Examinations will naturally be made to correspond to the proficiency acquired in the Classes, and confined to the particular topics introduced in their respective Lectures. The character of the Professors will in fact be engaged in the success of the Candidate. Each will be examining his own pupils. His eminence as a teacher will be interested in the result, and the necessary bias of the mind will be to make the Degree the reward of the exertions and progress made in the class. Higher attainments will not be deemed necessary, and the Degree would thus soon become merely a reward for eminence in the Classes, without requiring greater exertion, or encouraging greater acquisitions in knowledge. We apprehend that any approach to such a state of things would counteract the objects which we have in view, and that the Degree would be so indiscriminately conferred that it would never be an object of ambition, or be raised in public estimation. The experience which has already occurred as to the Scotch Universities, demonstrates the truth of these remarks, and affords conclusive reasons for apprehending that the value of the Degree will not be raised, if the Examination of Candidates shall be left in the hands of the Pro-

fessors." * * "The nature of the duty of examining Candidates for Degrees appears to us also to be very different from that which the Professor has to discharge in examining his class. Indeed the very situation in which the Professors stand as instructors, seems likely to disqualify them from the peculiar duty of examining for Degrees, however great their individual eminence may be. When daily examining a great number of Students, the attainments of many of whom must be greatly inferior to the qualifications necessary for Degrees, it is hardly possible that the Professor should not form a certain fixed estimate of the average standard of the talents and knowledge of his class, and conduct his Examination for Degrees with reference to it. We are of opinion that the Examination for Degrees should be conducted both by a much more searching inquiry, and with a view of securing attainments of a higher order; and if provisions directed to this object, such as the appointment of separate Examiners, should lead to some intermediate study after the termination of the fourth Session, and before the Degree is taken, our object will only be more effectually attained.

"The appointment of separate Examiners for this special duty, appears to us to be essentially necessary for the success of any scheme intended to raise the value and the practical usefulness of the Degrees conferred by the Scotch Universities. It has been thought that there might be some difficulty in obtaining persons properly qualified to be Examiners; but if that is the case, it is an additional proof that the system of Education, as at present conducted in the Universities, stands much in need of improvement."

The following observations are made under the head, "Examiners for Medical Degrees":—

"The Examinations for Degrees in Medicine have hitherto been conducted by the Members of the Medical Faculty, exclusive of the Professors of the Medical Classes recently instituted by the Crown, and each Candidate has been required to pay a sum of Ten Guineas, which is divided equally among the Examining Professors.

"We are of opinion that this system is liable to very serious

objections. The emoluments of the Professors who examine, ought not to depend on the number of Candidates for Degrees. At present, the fees drawn by the several Professors from this source are very considerable, in consequence of the great number of Candidates; and it appears from the evidence that the number of Degrees conferred has been continually increasing during many years, in a proportion much greater than corresponds to the rate of increase in the number of Students attending the Medical School of Edinburgh.

"No explanation has been given of this extraordinary increase in the number of Degrees, and we are satisfied that it cannot be accounted for from any external causes. We are of opinion that the present system has a necessary tendency to render the Examinations less strict than they might otherwise be, and practically to lower the standard of qualifications in the estimation of the Faculty. It is, besides, scarcely to be doubted that there must be a natural reluctance in Professors to reject Candidates, to many of whom the fees paid to the Examiners may be a very serious sacrifice. Although most of the Professors in the Medical Faculty entertain opinions adverse to any extension of the subjects of examination, and are strongly impressed with the idea that the importance and value of the University as a School of Medicine, ought to be estimated by the number of the Degrees annually conferred, an entirely different opinion has been strongly expressed by all the other Physicians and Surgeons whom we have examined, being persons very extensively engaged in the practice of their profession. It should seem to us, that the value of the Degree must bear a proportion to the nature of the qualifications required for it: and we have already observed that it does not appear to us that either the reputation of the University as a School of Medicine, or the number of Students resorting to it for instruction, will be regulated merely by the number of those who may obtain Degrees." (*General Report*, p. 64.)

And now, Sir, arises a question—indispensable to the discussion of the proposal to give increased privileges to the Professors of some Universities which will find its place in the sequel—as to the influence the above-cited Report of the Royal

Commissioners has had on those Institutions to which it particularly referred. I believe it will be found that up to the present time none of the recommendations have been adopted. And as to the examination into the preliminary education of candidates for Degrees, it continues the same as the Commissioners (Report, p. 59) state it to have been before their inquiry—extending to the Latin language, and conducted by the Medical Professors.

The labours of the Commissioners have, however, not been without their influence, though the influence has been exercised in another place than that intended or contemplated. This will appear from the following statement of facts:—

A few years after the date of the "Report," a vote for an Address to the Crown to grant to the Institution, now called University College, London, a Charter of Incorporation, with power to grant Degrees, passed the House of Commons ; and some discussion arose concerning the manner in which the vote should be carried out, in consequence of two objections raised by the Government. One of these referred to the claim other Colleges would have for privileges of the same kind. *The other objection (which is material to the present purpose), was the unwillingness to confer on Professors the power of granting Degrees to their own pupils ; and this impediment was suggested by the Report of the Royal Commissioners for visiting the Universities in Scotland.* After a little time, the Government proposed to establish a Metropolitan University which should have the power to confer Degrees on the pupils of several Colleges and Schools, the Examiners being appointed independently of the Colleges and of the Teachers. This plan was objected to on various grounds by many of the founders of the Institution in whose favour the vote in the House of Commons was carried ; but the objections were not pressed, in consequence, it was understood, of a paper published at the time by the Professors. A short extract from that document will afford contemporary evidence of the facts here stated. After arguing on the increased diffusion of sound education in the country likely to result from the influence over many Colleges of a body controlled and directed by the Government, and the utility of

competition between the pupils of different schools, it continues thus :—

“ The Government plan removes a difficulty which has been felt whenever the subject of a Charter has been discussed. The Professors will not have to confer Degrees upon their own pupils. It is right enough that teachers should examine their pupils, in order to judge of their proficiency, or even determine their relative merit amongst themselves ; but there is an obvious objection to teachers conferring upon their own pupils titles of honour which are to pass current in the world at large. They are under a temptation to lower the standard of their honours ; and even if they conscientiously maintain it at a proper height, they are always exposed to suspicion.” *

The University of London was founded ; and, in conformity with the practice in the Universities of Oxford and Cambridge, with respect to most Degrees, the functions of the University consist in determining the qualifications to be required of Candidates for Degrees in Arts, Law, and Medicine, as well as in examining and in conferring the Degrees ; while to the Colleges and Schools education is committed.

A short abstract of the “ Regulations respecting the Degrees in Medicine,” will show that the views of the Senate of the newly-formed University are in conformity with the recommendations made by the Royal Commissioners for visiting the Universities of Scotland, with respect to the subjects discussed in this letter, and that they are, in fact, an extension of them.

It is required of all Candidates for Degrees in Medicine (with the exception of those who had commenced their Medical Studies before the promulgation of the regulations) that they shall have passed a Preliminary or “ Matriculation Examination,” as a test of their General Education before they are allowed to enter on the prescribed course of professional study.

The Matriculation Examination is conducted by Examiners in Arts ; and it includes the Greek, Latin, and English languages ;

* “ Address from the Senate to the Council of the University of London, (now University College), on the proposed establishment of a Metropolitan University.” Signed—“ Somerset, Chairman.” London : Taylor. 1835.

the Elements of Mathematics, some Natural Philosophy, and History.

For the Degree of Bachelor of Medicine, the Candidate is required to have attended at a School of Medicine during four years after the time at which the Matriculation Examination has been passed. The Subjects of Examination are divided into two classes, which may be called Elementary and Practical. In the former are included Anatomy, Chemistry, Botany, and Materia Medica. The latter comprises Medicine, Surgery, Midwifery, Forensic Medicine, and Physiology, with some Comparative Anatomy. The Examinations for the first class of subjects are held at the end of two years, and those for the second class at the expiration of the full period of four years.

The Bachelor of Medicine is admitted to examination for the degree of Doctor in two years, if the time has been spent in a Hospital; or in five years, if the candidate has been engaged in private practice. The Examination for this, the highest degree includes Practical Medicine, the Elements of Intellectual Philosophy, Logic, and Moral Philosophy. But those candidates who have taken a Degree in Arts at a University are examined in Practical Medicine only.

The Examiners, except those who are Members of the Senate, are appointed from year to year by the Senate of the University, and they have no interest in the number of the degrees conferred. The Examinations are conducted in writing. There is likewise an oral examination in each subject; and in some, as Anatomy, a practical one. The written questions are published.*

Having thus, Sir, placed before you the reasoning and the recommendations of the Royal Commissioners as regards the amount of education which ought to be required for Degrees in Medicine in Scotland, and with respect to the manner of conducting Examinations; having also shown the recognition of the Commissioners' recommendations by the Government; and having stated the course of Education prescribed, together with the manner of conducting Examinations by the

* "Papers—London University; ordered by the House of Commons to be printed 5th August, 1840."—"London University Calendar," 1845.

University of London, acting under the Government (for I believe the acts of that body are subject to the revision of the Secretary of State for the Home Department), I now return to the provisions made with regard to the preliminary and professional Education for University Degrees, in the "Bill for regulating the Profession of Physic and Surgery."

The twenty-second clause runs thus :—

"And be it Enacted, That after the *passing of this Act* it shall not be lawful for any University of the said United Kingdom to confer any Degree in the faculty of Medicine, except by special license of the Council of Health, upon any person, unless he shall have been matriculated in the same University, and shall have duly attended the courses of public lectures prescribed by the same University to Students in Medicine at the seat of the same University, or in the case of the University of London, at some Medical School recognised by and in connexion with that University, during at least *Two Years* after he shall have been matriculated in the same University, and shall have been examined at some time before the grant of such Degree by the proper Examiners of such University, and found by them to possess competent skill and knowledge of Medicine, and of the sciences connected therewith, and of the English and Latin languages at least; and every Diploma or certificate of a Medical Degree granted by any such University after the *passing of this Act*, shall set forth distinctly the time which has elapsed since the matriculation of the person to whom such degree shall be granted, and the time during which, and place where he shall have actually studied as aforesaid, and the fact that he has passed such examination as last aforesaid."

An alteration has been made in this clause from the Bill introduced last year, by confining the term of Medical Education required to the seat of the University granting the degree, except in the case of the University of London.* The alteration which

* In the Bill of last year the clause ran thus :—"And be it Enacted, That after the *passing of this Act* it shall not be lawful for any University of the said United Kingdom to confer any Degree in the faculty of Medicine upon any person, unless he shall have been matriculated in the same University, and shall have duly attended

has been made requires remark; but as there is no connexion between it and the subjects noticed in the foregoing extracts from the Report of the Commissioners on Scotch Universities, the other provisions of the clause will more conveniently come under observation in the first instance.

The clause is marked in the margin "RESTRICTION ON MEDICAL DEGREES;" and it was so marked in the former Bill. I have failed to discover in what University the provisions with respect to the most important points, viz., the duration of Medical Education and the amount of General Acquirements, could act as a restriction. As to the extent of *Medical Education* which the Bill would sanction, little need be said here, inasmuch as this is a point which usage in the profession will determine. The general tendency of the clause will sufficiently appear from the fact that the Society of Apothecaries in London require that the candidate for their License shall have followed a defined and regularly registered Course of Attendance in a School of Medicine and Hospital during *Three Years*, superadded to an apprenticeship. The duration of the apprenticeship is five years, but it is permitted that attendance on a School of Medicine during the prescribed period (three years) should form part of the term of apprenticeship; and this has been actually the practice in many cases during the last few years. Under this arrangement it might be fairly said, that, inasmuch as the apprentice gained a necessary acquaintance with practical pharmacy and minor details, which caused one year of the two allotted exclusively to apprenticeship to be not unprofitably spent, the education of a Licentiate Apothecary is equivalent to about four years at a School of Medicine.

Neither can I find evidence that the Examination in the Latin and English languages would in name at least be a restriction. The Universities of England and Ireland demand of the candidate for a Degree in Medicine a much larger amount

the courses of public lectures prescribed by the same University to Students in Medicine within the precincts of the same University, or of some Medical School recognised by and in connexion with the same University, during at least *Two Years* next before the granting of such Degree, and shall have been examined." The marginal note of the clause when in this shape was "Restriction on Medical Degrees."

of preliminary education. Those of Scotland require as much ; and there is no body in the kingdom charged with the Examination into the fitness of persons for any branch of the Profession which requires less.

But if not restrictive, this clause is susceptible of another, even an opposite interpretation ; for if privileges of a particular kind cannot be given except under certain conditions, it is evident that, the conditions being complied with, the privileges may follow, if it should be the will of those in whom the power is vested to concede them; and thus it becomes virtually, though not technically, an "enabling clause." That it can have no other effect is evident ; that it is likely to be acted upon, and was probably intended for this purpose will hereafter appear. In this view the provisions of the clause can have no other than a prejudicial tendency ; a tendency, in the words of the Commissioners, when speaking of a similar amount of Education, to lower "the general tone of the profession."

To point out, in detail, that the amount of attainment for the University Degrees which this part of the Bill would sanction in no way conforms with that recommended by the Royal Commissioners, is unnecessary. So far from having any such conformity, it is, on the contrary, nearly identical (as far as Preliminary Education is concerned) with that required in the Scotch Universities before and since the date of the Commission—the insufficiency of which was so fully demonstrated by the Commissioners. And if the provisions in question be compared with the actual practice in various Universities, and even in other Corporations concerned in directing the Education of Medical Practitioners, of any class, in the United Kingdom, the injurious tendency above ascribed to these intended enactments will not be less apparent. In the following statement, reference will be made only to Preliminary Education.

The Universities of Oxford, Cambridge, and Dublin, require of those who are to Graduate in Medicine either that they shall have taken the Degree of B.A., or that they shall have received a certain extent of Education in Arts in a College of the University.

The Matriculation Examination in the University of London,

which must be passed before the Medical Course begins, includes, as stated at a former part of this Letter, the Greek, Latin, and English languages, the elements of Mathematics, with some Natural Philosophy and History.

The Universities of Scotland demand an acquaintance with the Latin language.

The Society of Apothecaries in London likewise enforce an Examination in Latin for their License; and the Society recommend that the Student shall be acquainted, likewise, with the Greek and French languages, and the Elements of Mathematics.*

The College of Surgeons, in Ireland, require of the Candidate for their Letters Testimonial, "a Certificate from the Examiners of the College, that he has passed an Examination as to his acquaintance with the Greek and Latin languages."†

The Preliminary Examination of Apothecaries, in Ireland, is stated, as follows, in their rules:—

"Every Candidate for the *Certificate of Apprentice* will be examined in the following Books:—the Works of Sallust; the first six Books of the *Æneid* of Virgil; the Satires and Epistles of Horace; the Greek Testament; the Dialogues of Lucian; the first four Books of Homer's *Iliad*; the first six Books of Telemachus, or the History of Charles the Twelfth (in French); the first two Books of Euclid; and Algebra—to simple Equations."‡

It will not be irrelevant to insert here an account of the primary Education required of those embarking in the Medical Profession in France, where increased attention has been given to this subject within the last few years. Before the Medical Studies begin to date, the Pupil must have been admitted a Bachelor of Letters (*Bachelier ès-lettres*). This regulation, as far as regards the time at which the "diploma" of Bachelor must be obtained, appears to have come into force in 1836.§ To qualify for admission to the Examination for Bachelor

* "Regulations," &c., 1841.

† "Bye-laws relative to the Education and Examination of Candidates for Letters Testimonial, and Fellowship."

‡ "Laws regarding the Education of Apothecaries." November, 1844.

§ "Nul ne peut être admis à prendre sa première inscription dans une faculté de

of Letters, attendance at any particular School, or College, is not required. The Subjects of Examination are the following:—The Greek and Latin languages, Rhetoric, History, and Geography, with some Mental Philosophy, and the Elements of Mathematics and Physics. At a certain period of the attendance at the School of Medicine, the Student who proposes to qualify for the Degree, must likewise become Bachelor of Science (*Bachelier ès-sciences physiques*). The Examination includes Elementary Geometry, some Algebra, Statics, Chemistry, and Natural History (*Arrêt du 3 Février, 1837, Art. 2.*). In the case of the “*Officier de Santé*,” this Examination (for Bachelor of Science) is dispensed with.

From the foregoing statement an inference can be drawn as to the quality of preliminary knowledge which may fairly be demanded of the Candidate for a Medical Degree in England and Ireland. A few words may be necessary as regards Scotland, where the Universities, with the exception of the University of Aberdeen, have always advocated, and still continue to advocate (notwithstanding the Report of the Royal Commission), the lowest amount of previous Education. That no apprehension need be entertained with respect to imposing a liberal preliminary Education on the Graduate of Medicine in that country, will, I think, sufficiently appear from the statement which follows.

“*The Marischal College and University of Aberdeen*” (it is stated by a Professor of that University*) in the year 1826, required that no Candidate should be admitted to Examination for a Medical Degree, unless he held a Degree in Arts; and having allowed reasonable time to elapse for intimation before enforcing the rule, the University did not alter the regulation till the end of fourteen years, when it was compelled to abandon

médecine (the admission to attend lectures and hospitals), à quelque titre que ce soit, s'il ne justifie du diplôme de bachelier ès-lettres.”—“*Ordonnance du 9 Août 1836.*”

* “Memorandum of a plan for composing one board for licensing General Practitioners in Medicine and Surgery, out of all the existing examining bodies, with suggestions for the improved regulation of Medical Degrees. By a Professor in Marischal College and University of Aberdeen,” (generally known to be the able Professor of Chemistry, Dr. Clark).—London, July, 1842.

it, finding itself unable to maintain the regulation single-handed ; and it experienced the mortification of being obliged to adopt too low a standard of attainment in preliminary Education, although, in fixing on the new Standard, the University still went somewhat above what is demanded in any of the other Universities in Scotland, as well as up to the standard that was required by the London University until the present year ; and, in addition thereto, included some knowledge of General Physical Science, in a manner similar to what had been enacted in the rules of license by the College of Physicians in London.” (*Memorandum, &c.*, page 4.)

In the same paper the Professor writes thus on the subject— “The deficiency of attainments of the Medical Graduates of the Scotch Universities, in preliminary literary and scientific Education, is a defect which a prudent exercise of the constitutional authority of the Crown could most easily remedy, but which, the writer has learned with surprise, the University of Edinburgh has urged the Government to perpetuate” (page 3).

As indicating the kind of Education universal among the members of another widely diffused and frugally endowed profession, it may be mentioned that the Candidates for the Ministry of the Established Church of Scotland are required to attend for a considerable period (and exclusive of their Theological studies) the Classes of Classical Literature and Philosophy in a University or College; and a similar course of study is enforced for the Clergy of Presbyterian Dissenters also. Indeed, the Royal Commissioners direct attention to the circumstance that a Medical Professor of the University of Edinburgh, in his evidence before them, rested his defence of the scanty amount of general knowledge required for Medical Degrees in that University, not on its adaptation to the state of Scotland, but to the small opportunities of acquiring adequate education in England and Ireland ; from which countries, as the Professor said, “a large proportion of our Graduates come.”—(*Appendix to Report*, page 183.)

But all question on this point is set at rest by the consideration that the Royal Commission, whose Report has been quoted, was composed of Scottish noblemen and gentlemen who formed

their opinions with regard to the course that would befit the Universities of Scotland at the time of their inquiry, after full investigation of the subject in all its bearings; and their opinion on the subject was (to use their own words), "confirmed by every one of the eminent Physicians and Surgeons, not belonging to the Universities, whom they examined, as well as by some of the Professors themselves."

Having made the foregoing statement in support of the recommendations of the Royal Commission, that a liberal preliminary education should be demanded of Candidates for Degrees in Medicine, it remains to determine the time at which the inquiry into the general knowledge of the student may be most advantageously instituted, as well as the method of examination. In England and Ireland the investigation into the preliminary knowledge precedes the Medical Studies, and this is the natural and obvious proceeding. But in Scotland the "Latin Examination" is held at any time during the Medical studies at the option of the pupil; and the same arrangement would be allowed under the "Bill for regulating the profession of Physic and Surgery." The disadvantages of this course—namely, the delay of the examination into the preliminary knowledge of the student—will readily appear by reference to the objects of general education. These have been comprehensively set forth in passages previously cited from the Report of the Commission (*ante*, page 4). They may for the present purpose be briefly stated to be—without making allusion to the more general advantages of a liberal education—that the knowledge acquired enables the young student of Medicine at once to understand the language and the reasoning of science; and that by obtaining an adequate education, the mind, invigorated in the exercise, is enabled to enter without difficulty on the new study. It is well known to every one conversant with Medical education that, to instruct in any branch of Medicine a person whose previous Education is defective, and whose mind has been unaccustomed to application or labour up to the time at which professional studies ought to begin, is a most difficult task. And looking to the real interest of the pupil himself, it must be added that to have been suffered to remain without

incentive to mental exertion in youth, (such an incentive as a proper examination before the commencement of professional studies would afford) is a most serious, and, in many cases, an irremediable evil. For these reasons, I would express the conviction, formed from no inconsiderable experience, that, to abstain from enforcing the examination before the required Medical studies begin to date, would be to forfeit the larger part of the advantages which the examination into the previous education is calculated to confer.

The constitution of the Examining Board is a point of much importance; for any regulation as to the subjects of examination will be valueless unless proper provision is made respecting the Examiners. The Commissioners recommended that the examinations into the general acquirements of the Students should be held by the "Examiners in Arts,"—that is to say, by disinterested persons of proved acquaintance with classical literature and exact science; and not by the Medical Professors, who in deciding on the fitness of the Candidate to enter on the study of Medicine, would, at the same time, have to decide whether or not he was to become their own pupil, and ultimately to receive the Degree at their hands. In the Universities of England and Ireland, it need scarcely be mentioned, the examinations are altogether in the hands of the Examiners in Arts.

I have quoted largely from the Report of the Royal Commissioners on the preliminary education of Candidates for Degrees in Medicine, and have here dwelt at some length on that subject, regarding it—as those who are conversant with Medical Education, and unprejudiced, will admit it to be—as the basis on which all improvement of the profession must rest. There is no such necessity for insisting on the importance of adequate Medical instruction, because there is no striking defect as to its extent in the curriculum of any University; and Medical Teachers, it may be added, cannot anywhere be charged with a proneness to diminish its amount. In concluding this part of the subject—I would observe that, as in England and Ireland the Degree in Medicine implies the possession of a fair amount of attainments in general knowledge, while in Scotland this is not the case, the

present Bill, apparently adopting the Scotch system, would recognise the lowest amount of general education, and in doing so would, at the same time, discountenance the practice of enforcing a higher order of preliminary knowledge, and afford legal sanction and encouragement to any Universities that now, or hereafter, may desire that kind of advantage which results from conferring Degrees on much easier terms than other Universities require.

So far with regard to the proposed Enactments respecting Education.—Reference will now be made to the provision which has been introduced into the present Bill, but was not in the former, namely, that the minimum period of medical study (two years) shall be spent “at the seat of the University” granting the Degree, except in the case of the University of London. This provision appears to be in principle at variance with the ancient practice in Universities of admitting a person from other Universities “ad eundem gradum”—“ut sit eiusdem anno, ordine et gradu apud nos [], quibus est apud suos [].” Moreover, a different rule is laid down with regard to a foreign Degree, inasmuch as residence at the seat of the University during a single year (clause 16), is enough to make a Degree granted out of the British dominions available for the purposes of the Bill. The restriction could not, I believe, in any way contribute to an improved education. Now and then a case may arise in which it would have the opposite effect, by compelling a student to take a larger part of his Medical education than he might otherwise be disposed to do, at an indifferent University, rather than at a good School of Medicine.

It now becomes necessary to recite the twenty-third clause of the Bill, which, it may at the outset be observed, is, in its main provisions, linked with and seems a corollary of that which has been under consideration.

“And be it Enacted, That it shall be lawful for any University of the said United Kingdom to grant the Degree of Inceptor in the Faculty of Medicine, subject to the restrictions hereinbefore contained concerning Medical Degrees, to any Student of the same University who shall have attained the age of *Twenty-two Years*; and that every such Graduate

in the Faculty of Medicine, being also examined, and having received Letters Testimonial of his qualification in the manner hereinbefore prescribed in the case of Licentiates in Medicine and Surgery, shall be entitled to be registered by the said Council of Health as an Inceptor in the Faculty of Medicine, with all the rights, privileges and liabilities of a Licentiate in Medicine and Surgery, subject to such general regulations as shall be made by the said Council concerning the registry of Licentiates."

The *degree* of "Inceptor," substituted for "Bachelor" in the new version of the Bill, has never, I believe, been heard of in any University. In the University of Cambridge, the Bachelor of Arts, at a certain time, inceps to become Master, and the Bachelor of Medicine inceps in becoming Doctor of Medicine. The term "Inceptor" is applied to the Candidate for the Degree before he has attained maturity—so to say; and the Inceptor bears the same relation to the Degree he is about to receive that the "Questionist" does to the Bachelorship of Arts.* In the College of Physicians of London, the title "Inceptor Candidate" was applied to the Candidate for the License who passed Examinations before admission to the Degree of Doctor of Medicine at a University. And the person so designated was authorised to enter into practice; but if he failed to take the Degree of Doctor, within a certain limited time, his name was erased from the List of Candidates.†

The term "Inceptor," in each of these cases, and as far as it is in use, implies incompleteness, or an unfinished state, and the actual meaning of the word seems to accord with this use of it. Considering, therefore, that the word is already appropriated to another purpose, and that the interpretation of it would suggest a want, or an unfinished condition, the "Degree of Inceptor of the Faculty of Medicine," would not, I appre-

* The Bachelor of Arts, on taking his degree, is admitted "ad respondendum questioni." The Master of Arts is admitted "ad incipiendum in Artibus;" the Bachelor of Physick "ad intrandum in Medicina;" the Doctor in Physick "ad incipiendum in Medicina."—"Forms and Proceedings in all Degrees, by Adam Wall, M.A., Fellow of Christ College."

+ "Statuta Collegii Medicorum Londinensium, 1811," caput 9. § 18.

hend, be considered a desirable one. There is another and a prior objection to the proposed Degree. It is the objection to creating an additional Degree. Would the new one be higher or lower than the Degree of Bachelor? If lower it would be of no real value to the Licentiate.

Assuming that it will be desired to connect with the Letters Testimonial of the General Practitioner, a Degree already known in Universities, and understood by the public (say Bachelor of Medicine), we may now inquire how far the other provisions of the Bill are calculated to effect this object in an advantageous manner. No doubt can be entertained, when the provisions affecting the qualifications for Degrees in the 22d clause are recalled to mind, that the connexion established in the last recited clause between the Degree and the Letters Testimonial of the General Practitioner would not, as far as the operation of this Bill may be concerned, involve any increase of attainment, however small may be that required for the latter. The association of a Degree with the Letters Testimonial in the manner which may be said to be done in the Bill, namely, without elevating the Licentiate, would certainly have the effect of augmenting the number of the Degrees, and so would promote the interest of those conferring them. And it might prove of some advantage to the possessor of the title of a Degree, if this should pass current with the public for what, under the circumstances, it would not be, a sign of superior attainments; but assuredly such a measure would not promote the real respectability of the profession, or contribute in any way to the advantage of the public.

And when it is considered that the License to practise will be fixed (for this may be assumed) at a minimum of acquirement, and that the University Degree might, under proper arrangements, operate as a stimulus to the Student as well as at the Grammar School as at the School of Medicine, to labour for the attainment of more extended knowledge, no inconsiderable injury will be inflicted on the Profession if the means of producing such a result should be lost or impaired. Under suitable restrictions, then, as to the quality of knowledge (*preliminary*

and professional) required for its possession, the acquisition of a Degree would undoubtedly be a source of great improvement to the General Practitioner if it should be—what under the circumstances it could scarcely fail to become—an incitement to increased application. But to obtain a Degree on the same terms, or very nearly the same terms, as the Letters Testimonial, would be nothing more than the purchase of a title intrinsically of no worth.

I have been here led to discuss the extent of the qualification for University Degrees in Medicine, at the same time with the Letters Testimonial in Medicine and Surgery, in consequence of the connexion established between them in the twenty-third and twenty-sixth clauses of the Bill. But the Degree must now be regarded in a different point of view; for it is not to be overlooked that, while it is not required for the license in Medicine and Surgery, its possession is indispensable to the Candidate for Letters Testimonial of the College of Physicians (Clause 16), and it is obviously in connexion with these that the Bill, to be consistent with itself, ought in the first place and chiefly to regard it. Now, the Candidate for the Letters Testimonial of the College of Physicians must have attained the twenty-sixth year of his age before he becomes admissible to examination (Clause 16), and this increase of age beyond the time at which a license for general practice is attainable, is obviously meant to carry with it a proportionate increase of acquirement. But this effect it must fail to have, as far as general knowledge is concerned, if a Degree in Medicine should be conferred with the amount of general education which the Bill would sanction.

It may be said that even if a very low amount of general attainment should be fixed for the Degree connected with the License of the General Practitioner, the proper addition might be made to the Degree immediately required to qualify for examination before the College of Physicians. Such an arrangement would in every point of view be open to serious objection. Should the general education be neglected, or—what will practically amount to the same thing in most cases—should the examination not precede the commencement of Medical studies, the advantage to be derived from early mental training (one great object of

education), and the use or help of a fair extent of literary and scientific acquirements during the study of Medicine, will be lost. Moreover, much of the time which ought to be devoted to professional study will be consumed in getting "made-up to pass," what ought to be in fact, as it is in name, a preliminary examination. Indeed, it is well known by those conversant with the subject, that, when deferred till after the Medical career is advanced, this examination virtually becomes a mere form; for, the rejection of a person of mature age on any other grounds than professional ignorance, is so painful that few Examiners can be found to recommend it.

It will be seen, on reference to a former part of this letter, that the propositions to which objection is here made, were discussed before the Royal Commission. From the evidence before that body, it is apparent that the desire of the Universities of Scotland as represented by the Professors, was to place the Degree within the reach of those who received the smallest amount of preliminary education. The Professors assigned as a reason for not requiring a liberal previous education, that many persons "practise all branches of the profession in all parts of the country with success and reputation" upon "other Degrees, such as Diplomas to Surgeons and Apothecaries, which are obtained by a less expensive [Medical] education than that which is given at a University," and that, therefore, "the effect of making the Degree more difficult of attainment would be to lower rather than to elevate the general average of attainments of professional men." These arguments of the Professors have, so far as England is concerned, long since lost whatever weight might have attached to them when they were submitted to the Commissioners, inasmuch as the education, both General and Medical, of "Surgeons and Apothecaries," gradually improving from that time, has, during several years, been as extended as that of Doctors of Medicine in the Universities of Scotland. And if this were not the case, it is to be presumed that the arrangements to be made for the education of General Practitioners, under the control of the Council of Health, will remove the alleged necessity of depreciating Academical Degrees. Moreover, if at the time the

Royal Commission was engaged in its inquiries, the attainments required for the Degree were in advance of those required for the Diploma of the Surgeon or General Practitioner (and there can be no doubt they were), ought they not at present and in future to be equally in advance, so as to attain the alleged object of the Professors—namely, “to elevate the general average of the attainments of Medical men?” They are, however, no longer so in Scotland; for, while the education for the Diploma or License has been much raised, that for the Degree has been nearly stationary; and both forms of qualification are now on the same level as to the extent both of general and professional acquirement.

The Commissioners, it has been shown (page 5), forcibly combated the views of the Professors, on the subject of general education, and the Commissioners “found their opinion on this point confirmed by every one of the eminent Physicians and Surgeons, not belonging to the Universities, whom they examined, as well as by some of the Professors themselves.”—(*General Report*, page 56.) Yet, with those views of the Professors, the provisions of the twenty-second and twenty-third clauses of the Bill, are in accordance. They contemplate the association of Academical honours with the License in Medicine and Surgery; and, apparently to effect this object, the attainments for the University Degree are permitted to be so low, that no curriculum of study that will be named for the License, by the Council of Health, can be lower than that which it is now proposed to sanction for University Degrees, by legislative enactment. The age, indeed, is different by a year; but additional age in itself, it must be remembered, does not necessarily imply additional attainment, and any tendency which it may have in that direction, is easily avoided by the Student making the commencement of his Medical studies a year later.

The accordance between the provisions of the Bill and the arguments of the Professors submitted to the Royal Commissioners who visited the Universities of Scotland, is not, I believe, to be considered accidental, as I find that in a series of “Clauses respecting Scottish Universities,” which “the Medical Professors

of Edinburgh and Glasgow" had an opportunity of adding to "The Heads of a Bill for regulating the practice of Medicine and Surgery" (the rough draft of the present and former Bill) the following propositions occur :—

"The Education of Bachelors of Medicine to consist—

"First, of an *equal amount of General Education* with that to be required of General Practitioners under the Act."

"Second, of an amount of Professional Study somewhat greater than is to be required of Candidates for the License of General Practitioners."

Again, as regards Doctors of Medicine :—"The Examination on General Studies to be taken at any time during or before his Professional Studies as the Candidate chooses."

And in another part of the same paper it is proposed that the holders of the Bachelors' Degrees from the Universities of Edinburgh and Glasgow shall have the privileges of General Practitioners.—But of this hereafter.

Thus it appears that the same low standard of Preliminary Education, made low with the same object, namely, to place the Degree within the easy reach of the greatest possible number, though repudiated by the Royal Commissioners for visiting the Universities of Scotland fifteen years ago, is now (notwithstanding that much improvement has in the mean time been made with respect to Education in different branches of the Profession) virtually embodied in the "Bill for regulating the Profession of Physic and Surgery," to influence the course of study in the Universities of the United Kingdom—to become law for the Empire.

This discussion may be closed in the words of a Scottish Professor, whose experience with respect to the General Education required for Medical Degrees, has been already referred to (page 27). "It is respectfully suggested that the taking out of the License should be made imperative on every Practitioner in Medicine and Surgery, in order to entitle him to legal recognition as such in any part of the United Kingdom, while the taking the University Degree should be voluntary; and that every reasonable precaution should be adopted to insure that the University Degree shall never come to be lowered to the

standard of the mere License. Nobody that knows the practical working of the Scotch Universities, and is aware of the weaknesses as well as the excellencies of their system, will believe that strong precautions for this purpose are superfluous."— ("Memorandum," &c., page 2).

One other material point must be noticed before parting from the twenty-third clause. It is that the connection there established between the examination for the Degree, and for the License, (making one necessary, under certain circumstances, to the attainment of the other), brings them within the meaning of the twenty-sixth clause, which it is best to recite in extenso :—

" And be it Enacted, That where by this Act it is provided that the concurrence of more than one body is required for qualifying any person to be registered by the said Council, the examination before such bodies for his Degree or Letters Testimonial, or both, may be conducted either separately before Examiners appointed by each body, or before a joint Board of Examiners, to be appointed by each body separately or conjointly, and the Examiners shall be appointed in such number, manner, and form, and shall hold their examinations at such times and places as such bodies shall, with the approval of the said Council, agree from time to time among themselves, or as shall be determined by the said Council with respect to any point in which they shall not be agreed; and where there shall be separate examinations on different subjects before Examiners appointed by each body, the subjects and fees of examination shall be divided among such bodies as they shall from time to time agree among themselves, or as the said Council from time to time shall determine with respect to any point on which they shall not be agreed."

The Degree of Bachelor or Doctor of Medicine being necessary to qualify for the Examination for the Letters Testimonial of the College of Physicians (clause 16), and another Degree being connected with the privileges of the Licentiate in Medicine and Surgery (clause 23), it follows from the provisions of the clause last recited (twenty-sixth), that the Professors or Examiners of a University are empowered to coalesce with the

Examiners of the Colleges of Physicians and Surgeons in an Examination for the Degrees and Letters Testimonial together. It is not easy to determine which of the Universities will be enabled to take advantage of this provision ; nor is it necessary to inquire concerning all the Universities which may come within its scope, for the principle of the proposed coalition may be discussed by reference to London and Edinburgh, where two of the three Licensing Boards reside. Reference to Scotland is necessary because of the materials furnished for the inquiry by the labours of the Royal Commissioners.

In London the coalition referred to would be wholly unobjectionable, because Teachers, as a body, have no control in the management of the University. And though a few Professors or Lecturers from the Colleges and Schools are engaged by the Senate of the University to examine for Degrees, the engagement is entered into from year to year, and the selection is made from different Schools. By this arrangement, a Candidate, even if educated in London, may, when under examination for the Degree, meet none of his instructors, or if one should form part of the Examining Board, he is associated with members of the Senate, with Teachers from rival Schools, and with other persons chosen by the Senate of the University.

But, unobjectionable as it would be, there is no likelihood that the Examiners of the University will be conjoined with the Examining Board for the most numerous class of Practitioners, Licentiates in Medicine and Surgery, in consequence of the extent and kind of the preliminary and Medical Examinations for the first Degree in Medicine. It is to be hoped, too, that this University, continuing to act as it appears hitherto to have done on the sound principle stated by the Royal Commissioners, "that the value of the Degree must bear a proportion to the nature of the qualifications required for it," rather than to "the number conferred," will not, under any circumstances, depress unduly the standard of education in order to confer numerous Degrees. Against a change of this kind there is, however, full security in the names of many of the Senate, and in the entire absence of interested motives in the body.

To the Scotch Universities, Medical Pupils resort as to a

School of Medicine only, and in this respect there is a clear difference from the system pursued in the Universities of Oxford, Cambridge, and Dublin. The Professors confer the Degrees, and by the clause of the Bill now under consideration, they would be authorised to examine their own Pupils for the Letters Testimonial of Physicians and General Practitioners likewise. On this account the provisions of the clause, in their present form, are highly inexpedient. To show the grounds of their inexpediency, reference may be made to the Report of the Commissioners for visiting the Universities of Scotland quoted at page 17, where the objections to Professors granting University Degrees to their Pupils are fully detailed. A few of those objections may be recalled here. In the first place, the Teachers are, themselves, concerned in the success of the Candidate. On their zeal and ability depends, in no small degree, the Pupil's progress, and the Examination may be regarded as a test of the merits of both the teacher and the Candidate. It is, therefore, obvious (and the eminence or ability of Professors, whatever it may be, does not in any degree detract from the force of the argument, or alter the question), that to allow the Professors of a Medical School to decide on the fitness of their pupil to receive a Degree in Medicine, which is to pass current with the public as a proof of the possession of superior general and professional attainments, is liable to this objection, among others, that they are thereby constituted judges in what is partly their own cause. Moreover, the personal acquaintance and the kindness of feeling which always exist, or ought to exist, between the Professor and the pupil, in some degree unfit the former for the discharge of the duty of Examiner where his Pupil is the Candidate for the Degree; and this feeling is likely to have most influence where a professional Degree is concerned. After stating the foregoing more general grounds of objection, which equally apply to Professors, whatever may be the department of Literature or Science they are engaged in teaching, the Commissioners adduce facts and arguments to show that the easy terms on which Degrees are granted in Scotch Universities, augment unduly their number. Their conclusion is thus expressed:—"We are of opinion that the

present system has a tendency to render the examinations less strict than they might otherwise be, and practically to lower the standard of qualifications in the estimation of the Faculty." To this it must be added, that the same cause has, in some cases, a tendency to add to the number of the pupils likewise. This follows from the circumstance that the Candidate for the Degree must, according to the laws of some of those Universities, be resident at the seat of the University, during a year at least before he is admissible to Examination; and the present Bill, by lengthening the period of residence to two years, augments the temptation to afford undue facility in conferring the Degree. This reasoning applies especially to Universities to which Medical pupils resort as to Schools of Medicine only. Such is an outline of the objections to Professors granting honorary Degrees to their own pupils; and it is plain that if they have any validity as applied to the Examinations for those honours, they must apply, with greater force, to the Examinations for the Letters Testimonial of Practitioners.

But the Professors, it will be truly said, are only to have a share in the examination for the Degree and the Letters Testimonial together—that is to say, retaining, as before, the unrestricted power of granting Degrees, they may, if so disposed, seek to coalesce with the Examiners of the College of Physicians and Surgeons in a single examination for the Degree and Letters Testimonial—and it becomes necessary to inquire into the influence these bodies are likely to exercise in a conjoined examination. As in the new edition of the Bill the Faculty of Physicians and Surgeons of Glasgow does not appear, while the Colleges of Physicians and Surgeons of Edinburgh retain their position, the inquiry must here be confined to the last-named bodies.

The College of Physicians of Edinburgh consists of a small number of resident members, among whom the Professors of the University are understood to have large influence and control as a constituent part of the body. Hitherto the College of Physicians has determined the fitness of Graduates of Medicine for admission into their body by means of the ballot only, without any examination into their attainments. The opinion

of this College with respect to the performance of the duty of investigating the qualifications of the Candidate to undertake the responsibilities of the practical Physician may be at once inferred from the course it has hitherto pursued in conferring its License to practise.

The resident members of the College of Surgeons, with very few exceptions (three or four), are General Practitioners. The examination is calculated for General Practitioners, including among other subjects Pharmacy.

Now, let me suppose the Professors, under the authority of an Act of Parliament, to take part with these bodies, or one of them, in examining their own pupils. Each Professor, it is to be borne in mind, has been constantly occupied with the study of one of the subjects of examination in order to teach it, and has examined from week to week his pupils (now the Candidates) to assist them in their progress. Add to this, that, in the words of the Royal Commissioners, "the character of the Professors will, in fact, be engaged in the success of the Candidate. Each will be examining his own pupil." Surely, under such circumstances, the result cannot be doubted. The supposition that a Practitioner engaged out of his ordinary pursuits, and without any deep personal interest involved, would be likely to influence materially the result of the examination in a subject which has formed the life-study of the Professor, who has a personal interest in the success of the Candidate, could not be seriously entertained.

It has been shown in a former part of this Letter, that the principal provisions of the Twenty-Second and the Twenty-Third clauses of the present Bill correspond with suggestions made by the Medical Professors of Edinburgh and Glasgow in "Clauses" which they added to the Draft of the Bill. With those clauses occurs another, which will be found to furnish the motive or object with which the others were constructed. The Clause is as follows:—"Bachelors of Medicine and Surgery of the *Universities of Edinburgh and Glasgow*, qualified as by the Clauses on Scottish Universities, to have the same privileges as General Practitioners under the Act, on their names being registered by the Central Council;" &c. From what

has been previously said of the influence Professors might exercise where they take part in the examination of their own pupils for Letters Testimonial, there can be little doubt that the privilege here claimed for certain Bachelors of Medicine would be attained under the clauses of the Bill before examined—not indeed directly, but not the less certainly. And the exclusive privilege apparently sought for, would, likewise, be practically attained; for, judging by the course of general education hitherto required by the Universities of England and Ireland, those bodies are not likely to bring down the Degree to the License in the manner the Bill would allow. To the Universities of Scotland, therefore, would remain all the advantage which schools would be likely to derive as far as the number of pupils is concerned, from the exclusive exercise of the powers to confer the Degree and Letters Testimonial together on the same terms as the Letters Testimonial only.

The practical working of the clauses of the "Bill for regulating the Profession of Physic and Surgery," which have now been examined, will receive further illustration from shortly tracing the career of a Candidate seeking a Degree, as well as the Letters Testimonial of a Physician, or of a General Practitioner, under the two different systems, the details of which are contained in the preceding pages.

Under one system the Candidate is examined before passing the threshold of a School of Medicine by "Examiners in Arts" in several subjects of classical literature, and exact science; and he may be stopped from further progress for the time; and at all events he has had the fear of this check to stimulate his exertions in previous years. He takes a Degree and the Letters Testimonial of General Practitioner after repeated Examinations; or the higher Degree with the License of a Physician, perhaps at one time. And his Instructors are not parties to any of the repeated Examinations through which the Candidate must enter either branch of the profession. This would be the course of proceeding in London.

Under the other system the Pupil enters on the study of Medicine without any inquiry into his general knowledge. He "passes his Latin," (as the phrase is, in such circumstances) at

any time he chooses, perhaps after having been prepared to go through a certain form of Examination; and the Medical Professors are the Examiners. Desiring to be a Physician, the Candidate receives the Degree of M.B. after Examination by his Teachers, and subsequently appears before the College of Physicians to be examined for the Doctorate in Medicine, and the Letters Testimonial together, and here his Teachers are empowered again to meet him. Or, his object being General practice, he takes a Degree and the License at the same time, the Professors forming, on the authority of an Act of Parliament, a part of the Examining Board. The Practitioner, thus qualified, transfers himself to any part of the kingdom where the more stringent form of proceeding is in force, his name is enrolled in the general registry (clauses 19 and 20), and he appears before the world as if he had passed the Examinations, and had been originally admitted to practise in the same place. This would be the system in Scotland, and it would be authorised by the "Bill for regulating the Profession of Physic and Surgery."

From what has appeared in the daily press, I believe, Sir, that your primary object in constructing the "Bill for regulating the Profession of Physic and Surgery," has been to connect equality of privilege with equality of qualification among the members of the Medical Profession in all parts of the Kingdom. I would respectfully submit that facts have been adduced in the previous pages which lead inevitably to the conclusion that under the Bill, in its present form, equality of qualification, or any reasonable approach to it, will not be attained in any case where Degrees in Medicine are concerned. The Bill would in fact confirm the inequality at present existing with respect to Degrees in different Universities, and would create a like inequality in the Letters Testimonial of Practitioners, where these are associated with Degrees. The differences which have always existed between Universities respecting the attainments required for their Degrees will doubtless not altogether cease to exist under any law. But when the Legislature undertakes to regulate the course of study to be required for Degrees, it may be urged, at least, that the adoption, as a standard for all Universities in the United Kingdom, of the system which, in one most material

point, is the least eligible prevailing among them,—the system, namely, which may be said to exclude from its requirements the literary and scientific knowledge generally understood to form the distinctive character of a University Degree,—cannot be considered the course of legislation most advantageous to pursue. The proposed enactment, concerning the preliminary Education of Graduates in Medicine, and the authorised Examination of Candidates for the Letters Testimonial of Practitioners by their instructors, while they would not (and this may be said on the authority of the Royal Commissioners before referred to) promote the interests of the public or the profession, would be calculated, I venture to suggest, to promote the peculiar interest of some educating establishments at the expense of others.

It has been necessary to refer more than once, in the foregoing pages, to the University of London, because of the time and the circumstances under which it was founded. And after having bestowed some attention on the subject of Degrees in Medicine, and having read with care the elaborate and able Report of the Royal Commission, so often alluded to, I feel desirous, before closing this Letter, to add a few more words respecting that University. A more fitting occasion than the present will not arise. It may be as well to state that with the University of London the writer has not, and never has had, any nearer connexion than Medical teachers in other parts of the Kingdom. That the University confers no advantages on a Medical teacher in London, which it does not equally confer on teachers in all other parts of the kingdom, whether of Birmingham, Manchester, Aberdeen, or Dublin, is generally known. A special or separate interest cannot, therefore, be promoted by directing attention to the Institution in question.

The constitution of the University may be said (as far as the subjects treated of in this Letter are concerned) to have resulted from the Report of a Royal Commission, issued under one Government, adopted and carried into practical operation by another Government.

The Rules for the Examinations, and the Examinations themselves (reference is made only to the Medical Faculty), are, take

them for all in all, a model for Medical Examinations. Exceptions may, without unfairness, be taken on some occasions to an Examiner, or to an Examination-paper; but any evil of this kind it is in the power of the Senate to remedy at any time. And it may be asked what system is there to which some exception, in detail, might not be raised? If there is a general fault in the Examinations, it is certainly not on the side of insufficiency or laxity.

The University is peculiarly circumstanced. Established by the General Government for the public, it promotes the individual interest of no School, equally recognising Candidates for its honours from all, if they submit to periodical written and (where the nature of the subject admits) practical examinations. It confers no profit or privilege on those holding office in it. For these reasons the claims of the University are not likely to be warmly advocated by many. Contrasting, moreover, with other Universities and other Corporations which do confer advantages on those connected with them, it is not unlikely to meet with disfavour at the hands of some. But, for these very reasons, and because it is under the control of the Government and the Parliament, it is submitted that the University, or rather the Degrees in the Medical Faculty (for with this department only is there any concern here), considering the manner in which they are conferred, have a claim to some recognition in any public measure which has reference to Medical Degrees. Such recognition, by the Minister of the Crown, of the principle on which the Examinations are conducted would not be devoid of general utility; and it might, I think, be afforded without interfering with the privileges of any other public body.

In taking leave of the subjects, which it has been the chief purpose of this letter to urge on you, Sir, for reconsideration, I would take the liberty to state the conclusions to which the facts and arguments adduced seem to lead, in the following propositions:—

That a University Degree in Medicine ought to be a Title of Honour implying higher attainments than a mere License to practise.—In the Universities of England and Ireland the

Degree is considered in this light. The Scotch Universities, on the contrary, have made their Degree (the Degree of M.D.) a mere License to practise, not as a Physician but (in a great majority of cases) as a General Practitioner; and the Bill instead of correcting the abuse sanctions it.

That, in any legislative measure affecting the qualifications for University Degrees, the regulations should be such as would ensure the possession, on the part of the Graduate, of a reasonable extent of the literary and scientific knowledge (not medical) which usually characterises University Degrees.

That the Examination into the general acquirements of the person who intends to qualify for a Degree should *precede* the medical studies.

That the Examinations in General Knowledge should be conducted by "Examiners in Arts."

Such regulations would be in conformity, as far as they go, with the practice in all parts of the kingdom, except Scotland. Regulations to the same effect have existed for several years in France (*ante*, p. 26), where, it may be mentioned, the great body of the Profession take Degrees in Medicine.

As regards Medical Examinations:—It is probable that the Professors of Universities who now confer Degrees on their Pupils, will continue to exercise the privilege; and the evil may not admit of an easy remedy. But, at all events, it appears indispensable—

That Professors who grant Degrees should not be empowered or permitted to coalesce with the licensing boards in the Examinations for the Letters Testimonial of Physicians or General Practitioners.—The necessity for this regulation applies especially to the Professors of those Universities which are resorted to by the Student of Medicine for medical education only, and which are therefore (so far as he is concerned) nothing but Schools of Medicine with the privileges of Universities. It does not apply, with anything like equal force, to Universities in which Graduation in Arts is a necessary preliminary to the study of Medicine.

I now, Sir, proceed to consider those other provisions of the "Bill for regulating the practice of Physic and Surgery," which, at the beginning of this letter, were said to require some comment. Of these the first in importance is the constitution of the Licensing Boards.

The Examining Boards for different Classes of Medical Practitioners.—Under the system proposed in the present Bill, the power hitherto exercised by the Apothecaries' Society of London as Examiners for the Letters Testimonial of General Practitioners in England and Wales, is transferred to the Colleges of Physicians* and Surgeons of London, the authority of each of these bodies over the members of its own Class, being continued as before. At the same time the Colleges of Physicians and Surgeons of Edinburgh (and the same arrangement is proposed for Dublin) are empowered to confer the Letters Testimonial of General Practitioners, as well as of Physicians and Surgeons—each College (as in London) acting singly in examining candidates for admission into its own body, the two being combined for the Examination of the General Practitioners. And a person who has taken a license to practise in one part of the kingdom, is authorised to enrol himself (without further examination) a Member of the College which presides over his department of the profession, in the part of the kingdom in which he may take up his residence.

The most important alteration as regards England and Wales is that which affects General Practitioners, because they are far the most numerous body in the Profession. In order to convey a correct idea of the contemplated change, and at the same time to direct attention to some points which ought to be kept in view in the details of any new measure, it is necessary to review briefly the arrangement now in existence with respect to the class of Practitioners in question. This involves a notice of the Society of Apothecaries, who have for many years been charged with the regulation of their course of study and with the Examinations.

The Society or Company of Apothecaries in London is com-

* The College of Physicians is to be "assisted by the Court of Examiners of the Society of Apothecaries."

posed of a number of Surgeon-Apothecaries (General Practitioners) who elect a Board of Examiners from among themselves. The corporation is engaged in trade, but the members or proprietors of the trading establishment have, of course, no personal connection with the business transactions. They number among them some of the most respectable Practitioners in London.

Much praise has been given to the Apothecaries in consequence of the improvements which have been in late years made in the professional acquirements of the body over whose education they preside; and, on the other hand, obloquy has from time to time been unsparingly heaped upon them. An unprejudiced examination of the facts would show, that the acknowledged improvements which have been effected in the education of the Practitioners of this country, are, in the first instance, due to the energy and perseverance of educating establishments. To the exertions of these institutions, and to healthful competition among them, progress in education must always be owing. Examiners cannot raise their standard of qualification with any prospect of success, if they have not first seen that Students are likely to come up to it. But to the Society of Apothecaries—to their willingness to adopt improvements, and their generally judicious regulations—truth must allow a large share in the elevation of the General Practitioners of the country to the highly respectable position they have attained. Still the constitution of the Society is obviously very defective. The General Practitioners at large have no control in the examinations, and no voice in the election of a Managing Council or of Examiners; and however usefully the Society may have hitherto exercised their functions towards the profession, a change appears indispensable.

In this place it may be useful to call attention to a circumstance connected with the exercise of the authority vested in the Society of Apothecaries, which is not without interest at the present time. The Royal Commissioners for visiting the Universities of Scotland have shown (*ante*, page 6) that these Universities desired to accommodate the Education required for Degrees to the General Practitioners of England and Wales, as well as of other parts of the country; and if those

Degrees had been allowed to pass current as qualifications to practise throughout the kingdom (a right which was claimed for them), the Professors who conferred the Degrees, would, by their use of the privilege (what seemed to the Commissioners an improper use of it) have gained a large advantage over others who conferred Degrees in a different manner, or who were not possessed of any such privilege. The Apothecaries allowed entire freedom as regards the place or the school at which education was received. They paid no regard to any Degree which the Candidate for their License might have taken, but placed education at a University on the same level with education in other places, where the attraction of a Degree conferred by the Teachers could not be offered; and they insisted on examining all their Candidates for themselves. This just course has been strongly objected to by interested persons. It was complained of as a grievance by the Scotch Professors, although it was notorious that even for several years after the Society of Apothecaries began to exercise their new functions, Medical Degrees were conferred by some Scottish Universities without due precaution;—nor is the evil absolutely extinct at the present day. The complaint was made, too, notwithstanding that the Society of Apothecaries exercised no control—had no existence, so to say—in Scotland. The fact of the body who acted thus being Apothecaries and Traders, has given point to the satire with which they have been assailed, and has diverted attention from a due consideration of some material facts of the case. But the principle on which they acted was one of impartiality and fairness to schools generally; and care should be taken that, neither directly nor indirectly, shall a less just system be suffered to creep into operation in reorganising the profession.

As the beneficial operation of the new system proposed in the “Bill for regulating the Practice of Physic and Surgery” will depend on the constitution of the Colleges of Physicians and Surgeons, and as the influence of each of these bodies, whether in London, Edinburgh, or Dublin, is to be extended over all parts of the Kingdom, their fitness to exercise powers affecting so many interests, is a fair subject for inquiry. The inquiry

will here, however, be made in a very brief space, and little will be added to the statement of a few broad facts which seem to have important bearing on the subject.

In London the Physicians and Surgeons are each a numerous body, and there are, it is well known, many schools and hospitals. The same may be said of Dublin, excepting that the numbers are of course less. But in Dublin, as well as in London, the candidate for the Letters Testimonial of a Practitioner might be examined by persons having no interest in the school at which he was educated.

But how does Edinburgh stand in these respects? There is one hospital and a single school (the University), with some "extra-mural" lecturers in its immediate vicinity. The College of Physicians is a small body. With a single hospital it could scarcely be otherwise. Its jurisdiction extends over Edinburgh and a small suburb; and the members are admitted by ballot without inquiry into their attainments by examination. It is now proposed to charge this College with the Examination of Physicians for the United Kingdom, and with the Examination (in connexion with the College of Surgeons) of General Practitioners also. And the question arises, is the College of Physicians, judging from the number of resident members and the nature of its functions up to this time, such a body as ought now to be entrusted with these extensive powers? The College of Surgeons consists, with a few exceptions, of General Practitioners (see *ante*, page 42). At present this Corporation has authority over some counties of Scotland.—It is worthy of observation that while the General Practitioners of England, who, through the Society of Apothecaries, hitherto exercised jurisdiction over the education of the members of their own class throughout England and Wales, will not, under the arrangement now proposed, have a voice in the regulation of their own department of the profession,—except as assisting the College of Physicians in examining perhaps in Pharmacy,—the General Practitioners of Edinburgh, under the name of the "Royal College of Surgeons of Scotland," are to share in the examinations for General Practitioners, and, at the same time, to be entrusted singly with the privilege of

examining Surgeons ; and both these functions are to be exercised not only for Scotland, but also for England and Wales, as well as all other parts of the British empire. The writer of this letter has no desire whatever to make a single disrespectful remark concerning either of the bodies which are now alluded to ; at the same time, he would take the liberty to observe that the portion resident in London of those who had been educated at a large London school of long standing (say St. Bartholomew's or Guy's Hospital) would constitute a body about as large in number, and as well entitled to exercise the extensive powers in question, as the Colleges of Physicians and Surgeons of Edinburgh. But to intrust, on the part of the nation, the examination of the pupils of a London school of Medicine, for the Letters Testimonial of Physicians, Surgeons, and General Practitioners, to those who had been educated in that school, and were resident in its neighbourhood, would be an arrangement bearing, on the face of it, too much, if it may be so expressed, of a domestic character. And if so, can the same objection be said to be without force as regards Edinburgh ?

In the Bill of last year, the Faculty of Physicians and Surgeons of Glasgow stood nearly in the same position, respecting privileges to be conceded to it, as the Colleges of Physicians and Surgeons in other places. The name of this body has been omitted from the present Bill, because, as appears from the reports of parliamentary proceedings, it was found on more careful examination that the Faculty did not possess the powers they claimed. Now that the jurisdiction of each Licensing Board is to be co-extensive with the empire, another important subject of inquiry is added to that which concerns the legality of the local power any may have hitherto exercised, namely, the sufficiency of the body for the more extended authority to be imparted to it at this time. Looking to the Colleges in Edinburgh, or the Faculty in Glasgow (the Universities are excluded from consideration here), either is just such a body as could be formed in a town in England of equal size—say, Manchester, Birmingham, or Liverpool. Neither appears to have a sufficient number of resident members, nor, in consequence of

the intimate association which exists between persons educated in the same School and Hospital, and which continues to exist in comparatively small communities, do the members of either appear to be sufficiently disconnected from the schools, or their teachers, to exercise the functions which this bill would impose, so as to inspire a feeling of confidence in other parts of the Kingdom. On these grounds the concession, at this time, of large and augmented powers to one of these Colleges does not appear to be advisable. But the coalition of the Corporations of both places—that is to say, of the Colleges in Edinburgh with the Faculty in Glasgow—for the purposes of the Bill (each retaining its individuality in other respects), would, it is submitted, be an arrangement calculated to give more general satisfaction. The distance between Edinburgh and Glasgow, is as that between London and Brighton; and as it may be passed over in a couple of hours, examiners could, without difficulty, go, at stated intervals, from one College to the other to exercise their functions.

An objection has been raised against the exercise of any power over the profession by Glasgow practitioners, on the ground that the practice of the profession, in that city, is not conducted in as dignified a manner as is desirable, and I am informed that this objection is not altogether devoid of foundation. But other considerations must be allowed their due weight in devising arrangements which are made for the future, as well as the present time. The population of Glasgow having rapidly increased, and being likely to increase still further, the number of Medical men will be proportionally large; and the hospital accommodation, which always grows with a growing commercial and manufacturing community, will afford a large field of medical experience. This cannot fail to have influence on the quality of the practitioners connected with the hospitals; and it seems self-evident that the addition of so large a body of Practitioners to the number of those from whom a selection of Examiners is to be made, would improve the constitution of the Licensing Board in Scotland.

The view here taken of the Medical Corporations of Edinburgh and Glasgow, suggested itself when it was proposed to

establish two licensing boards in Scotland. The omission of one makes no change in the facts or the argument which it was intended to present in support of that view. If the contemplated changes had respect only to Scotland, the writer would not have presumed to offer any remark concerning the Medical Corporations of Scotland; but seeing that those changes affect the whole Kingdom, the bodies to be charged with new powers, so extensive in their nature, are fairly open to remark. He has intended to say nothing regarding any Institution in Scotland, that he would not equally have said of an Institution elsewhere, if similarly circumstanced.

Registration.—It appears to be intended that the registry shall contain nothing more than the names of qualified practitioners arranged “in their several classes” (Clause 13)—as Physicians, Surgeons, Inceptors in the Faculty of Medicine and Licentiates of Medicine and Surgery. If the object were merely to enable the public to judge who are legally qualified to practise, such a mode of registration would doubtless be sufficient. But the registry might be made to serve a more important purpose. It would be an encouragement to the General Practitioner to labour for the acquisition of additional honours—for example, the Degree of Bachelor or Doctor of Medicine—if the fact of his having attained those claims on public confidence should be made to appear in connexion with his name on the registry; and surely it could not be otherwise than beneficial to afford such encouragement in this and in all other cases. Besides, it appears no more than just that a person who has laboured to acquire superior knowledge, should be enabled to place the official record of his industry on any document which professes to afford correct information to the public with respect to the qualifications of Medical men.

Again, Practitioners would apparently be enrolled as legally qualified without any statement of the place at which their Letters Testimonial or other qualifications had been received. If the provision for registration is thus rightly interpreted, it is probably founded on the belief that the “Council of Health” will be able to enforce equality of examination in different places. This, however, I confidently believe will

not occur. Equality in the examinations cannot be attained under any regulations, however well devised, or any supervision the Board will be able to exercise. The quality of the examinations it is well known depends not so much on the general rules laid down as on the persons by whom these rules are carried into practical operation. The "Council of Health" will probably exert a beneficial influence over the regulations for courses of study, and over some other matters of importance; but every one who has had practical acquaintance with oral or even written examinations, must know that any amount of supervision which the Council may exercise cannot effectually control the proceedings of Examiners whom it does not nominate. In time it will come to be believed that those who conduct the examinations in one place are less strict, or otherwise held in less estimation, than those in another place; and it is but fair that each person should have the advantage or disadvantage of the character of the tribunal before which he has chosen to appear for examination.

The transfer of practitioners from the Colleges in one part of the Kingdom to those in another.—The foregoing observations lead to the conclusion that the provision made for the easy transfer of a person who has received Letters Testimonial in one part of the Kingdom to any other part, would be liable to abuse, inasmuch as it would hold out an inducement to seek Degrees or Letters Testimonial wherever either or both might be obtained with most facility. This, however, is only an argument to suggest precaution against the abuse referred to. It is not adduced with any view to raise objection to such a provision in itself.

The words of one of the clauses (20th), which relate to the subject now adverted to, are these:—"And every such person who shall afterwards remove into any other part of the United Kingdom, and shall practise there as a Licentiate in Medicine and Surgery, shall be required to enrol himself as a Member or Licentiate of the Royal College of Surgeons of that part of the United Kingdom to which he shall so remove, and in each case shall be entitled to be so admitted and enrolled without further examination, and on payment of the like fees of

admission, and on complying with the same conditions as are required of other persons who have passed their examinations and paid their examination-fees for the purpose of being admitted Members or Licentiates of the said Colleges respectively." And the same enactment is proposed for Physicians and Surgeons likewise (clause 19).

By this provision the pecuniary interests of the Colleges empowered to confer Letters Testimonial are protected; but the College in one part of the Kingdom may still be made the portal to the College in another part on payment of additional admission fees; and the payment of fees is not the most efficient or most suitable protection of the interests of education, or of the public. Without entering into any detailed discussion of this subject, which there are obvious reasons for avoiding as much as possible, it will be enough to say, that no person can claim for those who confer, or for those who are Candidates for Letters Testimonial, exemption from all liability to be influenced by the motives which, on the authority of the Scottish Commissioners, may be said to have exercised influence in the case of University Degrees. It will be assumed at once that it is desirable to take away all temptation to a misuse of the privilege the Bill confers. The end here aimed at might, in a great degree, be attained, and without any expense to the Candidate, by means of a change in the clause above quoted, which, without affecting its principle, would be to some extent a bar to any abuse of it. The change I would respectfully suggest is the introduction of a "proviso" to the effect that if the transfer to the roll of another College should be made within a limited time (say three years), the examination should not be dispensed with; but that after such period the transfer might be effected in the manner at present provided. Under such a provision, those Candidates for Letters Testimonial who had determined on their future place of residence would (wherever they had been educated) at once resort to the examining board presiding in the same part of the kingdom; those who had reason to change their residence at a time when further examination might justly be considered a hardship, would be exempted from it; while, on the other hand, a second examination would be no bar to the

few who would actually require to submit themselves to it, provided the first were an adequate examination. Such a restriction, while it would produce no injury, and no inconvenience that could justly be complained of, would have much effect in guarding against the imputation of laxity of examination in any Licensing Board, by removing, in great part, the motive for it; and would diminish the necessity for active supervision of the proceedings of Examiners on the part of the Council of Health.

Constitution of the "Council of Health."—To this, the last subject on which observation will be made, it is proposed to refer only so far as the selection of the Members of the Council from Schools of Medicine is concerned. It is provided in the second clause of the Bill, that the Schools of Medicine in the Universities of Oxford, Cambridge, Dublin, Edinburgh, and Glasgow, are each to be represented in the Council by a Regius Professor. The University of London, it will be observed, is not represented in the proposed Council;—to others belong the duty of putting forward for that Institution any claim which they deem it proper to urge on its behalf.

It is to be presumed that Professors are to occupy the place assigned them in the "Council of Health," by reason of their connexion with the Education of Students in Medicine. On this ground it must be that the Professors' official claim to a position in the Council is rested.* Now, looking to the numbers receiving Education in the five Universities which are named in the Bill, it may be confidently stated (excluding Dublin, because the numbers there have not reached me), that the Students of Medicine in London are more numerous than those in the four other Universities together; and yet no representative is assigned to the Colleges and Schools of Medicine in London.

There is no intention to express the smallest objection to the

* It has been suggested that the selection made from schools was determined by the existence in them of "Regius" Professors. Without dwelling on the improbability of this test having been applied to the value or importance of schools, the omission of the University of London may be said to show that the suggestion is not well founded, inasmuch as all the Members of the Senate of that University are nominated by the Crown.

place the Universities alluded to occupy in the Bill. Indeed, no place can be assigned to the principal representatives of the Learning, if not of the Medical Science or Medical Education of England, that would not be as respectfully and as willingly conceded by me, as by any other person. But I would venture to urge, that no Schools of Medicine are entitled to take that precedence of the Schools in London, which seems to be awarded to several by the manner of constituting the "Council of Health."

I have the honour to be,

Sir,

Your most obedient servant,

R. QUAIN.

LONDON, MARCH 31ST, 1845.

2

SUGGESTIONS

FOR AN

IMPROVED METHOD

OF

RAILWAY LEGISLATION.

Price One Shilling.



PARLIAMENT
AND THE
RAILWAY SCHEMES.

SUGGESTIONS
FOR AN IMPROVED METHOD

OF
RAILWAY LEGISLATION.



LONDON:
JAMES RIDGWAY, PICCADILLY.
1845.



PARLIAMENT AND THE RAILWAY SCHEMES.

THE main objects which the writer of these pages has had in view in the plan now submitted to public consideration are :—first, to relieve Parliament of some portion of a burthen which has been already felt as excessive, but which now threatens to become intolerable, without infringing at the same time its right of supreme and final jurisdiction ; secondly, to take Railway Legislation out of the province of “ private business,” and to place it on its true basis as a matter of public interest, to be made subject, as such, to the same incidents, the same procedure, and the same responsibilities, as properly belong to other departments of public affairs.

It would be a waste of time to offer any proof in support of the proposition, on which the necessity for some change in the existing system is here assumed,—that Railway Legislation, as hitherto conducted, has become a burthen too heavy for the shoulders of Parliament to endure. The experience of the last Session must have brought conviction

to every mind on this subject. Not that Parliament was then found wanting to the emergency, or showed any lack either of willingness to undertake, or energy to discharge the unprecedented labours which it was called upon to perform. The House of Commons, it must be admitted, earned much credit with the public for the zeal and perseverance with which its members devoted themselves to investigations often most tedious and perplexing, and finally achieved the herculean task of disposing before the end of the session of upwards of 200 railway bills. But the very success of the experiment is a warning against its repetition. Commendable as such an effort was, and fairly as it might be required on the spur of a particular emergency, it will hardly be disputed that the annual recurrence of such a state of things would be a great public evil. Neither the physical strength nor the public spirit of members ought to be taxed to such extremity, nor will the other not less important interests of a great empire bear without injury so large an abstraction of the public time and of the best energies of the Legislature.

The mode of procedure then adopted in classifying the various schemes into "Groups," to be severally referred to Select Committees, was perhaps as convenient a plan for the despatch of such a mass of business, as could have been devised. But such expedients are mere palliatives of an evil which demands a much more stringent remedy. And if the "Groups" of the last session were found to impose an almost intolerable

labour, what may not be expected from the great increase of railway projects which the approaching session will bring before Parliament?* Making the most liberal deduction from the enormous total of the new schemes on the score of abandonment, amalgamations, failure of compliance with Standing Orders, and other causes, which will doubtless prove fatal to a great number of Bills, the residue which stand their ground will form, together with the *remanets* of last session, an immense agglomeration of business, which the utmost ingenuity of compression and arrangement will be unable to reduce within any manageable limits. The most sanguine person therefore can hardly presume to expect that the time and attention exacted from Members of Parliament in the session of 1845, will suffice for the accumulated labours of 1846. And the same difficulty may justly be anticipated in greater or less degree for several years to come, until the full development of the railway system throughout every district of the kingdom shall have been accomplished.

What then is to be done? How is Parliament, with its existing means and machinery, to get through the gigantic work of Railway Legislation? This is the question which is now asked in every

* The number of projects which came before the Board of Trade last year was 248. The Bills passed were 113. The schemes, of which the plans were deposited at the Board of Trade on the 30th of November last, are stated at various numbers, according to different accounts. A return, which professes to be authentic, gives exactly 800.

quarter, and in every tone of wonderment, anxiety and dismay. The disquietude which Members of Parliament might themselves feel at the alarming prospect before them, is no doubt alleviated by the inward conviction that the work before them is upon any system like that of the last session impossible to be performed. But should Parliament decline or evade the task, let us look upon the other side of the picture. Here we find enormous interests at stake—a number of gigantic associations, of whose good faith (we allude to at least a large proportion of the new schemes) there is no more doubt than of the utility of their objects—whose *general* designs have been stamped with the approbation of the Legislature—who have conformed to the law in all its requisitions—have complied with the Standing Orders of Parliament, are prepared to prove the public importance of their undertakings, and to give ample pledges for their performance, and in this position demand from the Legislature the privilege of a hearing and decision. Can this request be denied them without a breach of the faith of Parliament? or can it be evaded on the *ex post facto* plea of the vast number of the applicants, and the unlooked for pressure of business, which has taken the Legislature by surprise, and rendered all previous arrangements unavailing?*

* The following pertinent observations are from the Spectator of November 22nd. "Of a large proportion of the schemes it may be said, that any one would not only be justifiable but

And if such a course would be unworthy and self-condemnatory, it would surely be no less unwar-rantable, if Parliament should undertake so vast a work with means utterly disproportioned and in-adequate, and thus premeditatedly throw upon the parties who have appealed to its tribunal the dis-appointment and ruin occasioned by the defects of its own machinery. It is easy to say, as some have done with a perfect recklessness upon whose head the penalty may fall—"Oh ! things must take their course : Parliament will deal with as many Bills as it can find time for—the rest must take their chance and be thrown over." But apart from the considerations which have just been urged on the score of justice and good faith, it is the opinion of most reflecting persons that Railway Legislation has already partaken far too much of "chance" and too little of foresight and system ; and as to "throw-ing over" schemes which responsible parties are pledged and bound to prosecute, what is it but to purchase a relief for the present session, at the

commendable : the difficulty is not in the inherent badness of all the projects but in their aggregate enormity ; yet as each set of speculators is justified in its own enterprise, it is hard to make it morally responsible for all the rest. Individually, each speculator—we are alluding now to the *bona fide* and desirable projects—is right : collectively, they are all wrong, but the individual cannot be held responsible for the multitude. Each man on the Yarmouth Suspension Bridge had a right to be there—the crowd broke it down : but it was never said that each person of the crowd was guilty of manslaughter."

expense of a succeeding one ? If indeed it be urged, as it often is with great sincerity, that the railway system is advancing with too rapid strides, and that a postponement of five-sixths of the projected schemes would be rather a benefit than a calamity to the public, the full weight of this argument will be admitted, and indeed it is one of the main objects of these pages to recommend a course of proceeding, which it is believed would ensure a more steady and justly-graduated rate of progress, and of which the postponement of a large number of the sanguine schemes lately announced would be a necessary consequence—but in whatever cases such postponement is enforced, justice and policy alike require that it should be determined not by haphazard, or accidental priority or arbitrary preference, but by deliberate scrutiny and selection, upon a full comparison of intrinsic merits and upon assignable grounds of public advantage. But for the adequate performance of a task so vast and complicated it is obvious that Parliament, with all its other manifold occupations, has neither the time to spare, nor the means and facilities at its command—it has not, in fact, been constituted for such a function. To meet this difficulty, two alternatives present themselves : either we may discharge Parliament altogether from the functions of Railway Legislation, and transfer the necessary powers to some other body, or we may take away a given portion of the burthen, by calling in some other

agent to the assistance of the Legislature, and introduce a division of labour without impairing at the same time the supremacy of Parliament.

The first of these propositions has found some advocates, who have boldly contended that the authorization of Railway undertakings should be vested in a Board or Commission, composed of individuals to be selected by the Crown.

Nothing, surely, but an overpowering conviction of the evils of the present system, can have given birth to such a proposition, for a very slight consideration will suffice to shew that it is attended with insuperable objections, both of theory and practice. It would be nothing more or less than a transfer of the supreme legislative authority, on a matter of high public concern, from the hands in which the constitution had placed it, to an irresponsible tribunal ; while it would convey to the nominees of the Crown an uncontrolled right of interference to any extent with private property. In the next place, it may be predicted, with moral certainty, that such a body would wholly fail to gain the confidence of the public to its decisions. Let its members be as immaculate in character, and impartial in judgment as can be imagined : let them be totally disconnected, both personally and locally, (which in the present manifold ramifications of railway interests is scarcely conceivable) with any of the schemes brought under their cognizance ;—they would not escape calumny. Rumour and suspicion

would be busy with their names: the sensitiveness of the share-market would fasten on any transaction in which even their remote connections were engaged, and would find grounds of imputation in the most trivial facts and the most simple coincidences. The charges which were bruited abroad in the early part of the last session, affecting an officer of the Board of Trade, and the discussions which took place in Parliament on the subject afford a strong confirmation of this view. It seems almost superfluous to urge, as an additional argument against the proposed scheme, the immense accession alike of power and responsibility which it would involve to the Ministers of the Crown, inasmuch as by them the proposed tribunal would be appointed, on them it would depend, and with them it would be identified in the public mind as to all its acts and proceedings.

In Parliament, then, as the only legitimate representative of the public interests, and the supreme trustee of private rights, the ultimate power of legislation in respect to Railways, must continue to reside. There and there only is publicity uncontrolled—there only are full discussion and rigid inquiry, and open complaint privileged and secured. Within its walls are comprised a greater diversity of knowledge, and a larger aggregate of talent, information, and experience, than could by the most judicious selection be concentrated into any Board of Commissioners. Party spirit, the most warping

influence upon the judgment and integrity of Members of Parliament, enters little if at all into the question of Railways, and local interest is capable of easy counteraction. Lastly, there is the security against error and abuse, which is afforded by the necessary concurrence of the two Houses. But, while no change should be admitted which would infringe upon the inviolable legislative authority of Parliament, or derogate from its supremacy, by raising to its level any co-ordinate jurisdiction; neither the reasons which have been alleged, nor any others appear to militate against the institution of a competent independent tribunal, to be invested with subordinate functions, and employed as an auxiliary in those preliminary operations by which the path of legislation may be cleared, the materials brought together and arranged, and the subsequent process of adjudication relieved of half its difficulty and labour.

Before, however, we proceed further into detail, it may be well to advert, in a few words, to the failure of the Board of Trade experiment of last year, which will no doubt occur as affording an objection *in limine* to any plan of the nature now proposed. That it *was* a failure, it is perhaps hardly now open to dispute, since it has been abandoned by those who brought it into existence. But admitting this fact, and without seeking to evade the arguments which have been justly urged against its constitution and mode of

procedure ; it would be uncandid on the other hand to deny that the Reports of this Board, over-ruled though they were in many signal instances by decisions of Committees, were documents of no mean ability, and that they were calculated to afford valuable aid to Parliament in forming its conclusions. Even those Members who felt most disposed to dissent from the opinions of the Board, and to repudiate or resent its authority, had the advantage of seeing the leading features and bearings of the cases, on which they were to adjudicate, placed in a clear light, and the outline of the investigation traced ready to their hands. But the radical error of the Board lay in its organization, and in the province of duty assigned to it. In the first place, the individuals, of which it was, with one exception, composed, however respectable in character, wanted that conventional importance, dignity, and estimation in the public mind which would have befitted men invested with so extensive an authority. Complaints were not unnaturally made, that powers of so grave and delicate a kind, which might control the fluctuating value of millions of property, and which might well have been committed to men of the highest trust and eminence in the state, were delegated to a Board, of which the major part consisted of the mere subordinate functionaries of a Government office. There was, besides, this additional disadvantage, that in the House of Commons the Board had no legitimate representative to explain doubts, to indicate

its proceedings, to repel unfounded imputations, and to advocate, in open debate, the views adopted in its published documents. The task was one which no occupant of the Treasury Bench felt himself called upon, or indeed competent, to perform ; and the absent Board naturally fell under all those prejudices which attach to secret and irresponsible tribunals. Apart from these errors in its constitution, there was one not less serious in reference to the extent of its powers. Under colour of *assisting* Parliament to decide, the Board, in fact, assumed to *decide for* Parliament. It did not merely adduce reasons on one side, or on the other ; single out the leading features of a case, and indicate the points on which the decision ought to turn ; nor did it rest content to pass, like a grand jury, a *prima facie* or qualified sentence upon the facts, but it actually tried the cause (often of course upon a very incomplete hearing) and pronounced a decisive verdict, which it became necessary for the Legislature either directly to over-rule or to adopt. One of two consequences was inevitable—either an adoption of the verdict, which, in effect, superseded the functions of Parliament, or its reversal, accompanied by the necessary consequence, the loss, *pro tanto*, of the credit and authority of the Board—an event surely and speedily fatal to its existence. The latter, and no doubt the better alternative is that which we have seen realised.

Now in organising any new Board to be invested

with powers similar to a certain extent to those exercised by the late department of the Board of Trade, care must be taken to steer quite clear of those objections, which produced the failure and abolition of the latter. First of all, it should be composed of men of high consideration and acknowledged eminence in public life. On the indispensable requisites of character and mental ability, it is needless to insist. It should form, like the Post Office, or the Admiralty, a separate department of the Executive Government, be presided over by a Minister of the Crown, and be represented by him as its responsible organ in the House of Commons. The other members of the Board, in such number as might be hereafter determined, should also be men of high consideration and repute, and their official position should have the advantage of any adjuncts of dignity, which could be annexed to it, as well as of an ample salary, the proper sources of which will be presently indicated. An adequate staff of military or civil Engineers, and such other efficient officers as the duties of the Board would make necessary, would complete its organization.

The effect of such a constitution, as has been now proposed, would be to import into Railway Legislation, that principle, which after all the experiments hitherto made in the science of public administration, has been proved to be the most effective check ever devised against abuse, and the best se-

curity for public confidence,—Ministerial responsibility to Parliament. The liability to be cross-questioned in the House of Commons is an ordeal, the effect of which operates upon every spring of official conduct, and penetrates into every region of executive control. Why should that great class of national interests which we are now considering, be exempted from the operation of this principle? Surely not upon the illusory plea, that Railways are *private* property, nor upon the technical distinction, that Railway Legislation belongs to the department of “private business.” This ground is no longer tenable, since the interest of the public in Railways, and the right of Government interference with them has been recognised by public statutes;* and if it were not so, the time has surely come, when the vast national importance and enormous influence of Railways on the commercial and social interests of the country, ought to stamp them as public objects; while the proved inadequacy, in this instance, of all the forms of private legislation demands the removal of an inapplicable distinction. Let Railway Legislation then be henceforth of a public character, and let the interests of the public, which are therein involved, be committed, subordinately always to the supreme jurisdiction of Parliament,

* See the preamble and earlier clauses of the Statute 7 and 8 Vict. c. 85, for “attaching certain conditions to the construction of Railways.”

to an executive department of the Government. The office and duties of the proposed Board are next to be explained. They would be of a two-fold character, and may be thus generally described. 1st. The superintendence and control of existing Railway Companies, in which it would exercise those powers conferred by various statutes on the Board of Trade, with such additions as might from time to time be deemed advisable. 2nd. The Registration and the preliminary cognizance of all new schemes previously to their being submitted to Parliament.

As to the first branch of its duties therefore the Board would be one of Control. As to the second, it would possess the strictly limited province of inquiry, arrangement, and *prima facie* recommendation, the ultimate decision in all cases remaining wholly in those hands in which the constitution has placed it.

It is the latter of the two branches of duty which falls within the scope of the present observations, and to this our attention will be immediately directed. First, with respect to Registration. The regulations on this subject, contained in the recent Joint Stock Companies Act (7 and 8 Vict. c. 110) proceed doubtless on a sound principle and are calculated to produce much good. The attempt, however, to combine in one statute a set of provisions, variously applicable to two distinct classes of companies, viz. ordinary joint stock trading associations, and those which, like Railway Companies, require Parlia-

mentary powers, has produced extreme confusion in the enactments, and great differences of opinion notoriously prevail as to the operation of the Act. Even the question, which might have been easily made clear, whether the latter class of companies are placed under the *necessity* of proceeding to "Complete Registration," is left in doubt.* Another very important controversy exists on a subsequent part of the Act, which will be hereafter referred to. To remove these difficulties and the origin of them—the attempt to make one statute serve two distinct purposes—all the provisions of the Joint Stock Companies Act, so far as they affect Railway Companies should be immediately repealed, and embodied with such other alterations in Railway Legislation as Parliament may determine, in a new enactment. This being done, and the Board of Trade relieved of its connexion with Railway affairs, the registration of all new projects would devolve upon the Department already proposed, which would be farther charged, and invested accordingly with ample powers, to institute a preparatory examination into the objects, means, character, and responsibility of every scheme brought under their notice—to investigate all facts bearing upon the *bona fides* of the promoters, with full powers to inspect their accounts, the distribution of their

* It appears clear from the 7th and 9th sections, that they *may* proceed to complete registration, but it is nowhere enacted that they *must*. It is believed that very few Railway Companies have done so in point of fact.

shares, and other pecuniary transactions ; and lastly, to ascertain the fulfilment of whatever conditions the legislature may think fit to require from companies applying for its sanction.* The liability to such a scrutiny as has been described would, it may safely be assumed, prevent many of the bubble companies which now prey upon the public, from starting into existence, or at least it would crush them in their infancy. The legitimacy of the several undertakings having thus been ascertained and the register for the ensuing session closed, the process of classifying and marshalling the registered schemes, with a view to determining their order of priority in public importance would be the next duty of the Board, and it would, it is needless to add, be one of the most difficult and responsible. This would require at once a comprehensive view of the comparative claims and requirements of the various districts and interests of the kingdom, and an intimate knowledge of the operations, prospects, and connexions of the various established lines. An arduous task, indeed, it will be said, and one requiring at once the eye of an engineer, and the mind of a statesman ; but, if so, the more necessary that it should without delay be committed to some competent

* If Railway Legislation ceases to be classed as "private business" the "standing orders" would of course become inapplicable, but such conditions relating to notices, deposit of plans, or of capital, &c. as Parliament should deem expedient, would be made necessary by statute, and it would devolve upon the proposed Board to take cognizance of their fulfilment.

and responsible body, possessing time, machinery and facilities, which Parliament unassisted can never command, since it is obvious that unless such a process be performed *somewhere*, our Railway Legislation must continue as heretofore, devoid of principle, system, or congruity, commenced without fore-thought, carried on without order, and tending to confusion.* Nor is this all, for besides the adjustment of the order of precedence among particular schemes, which ought surely to be determined exclusively on public grounds, there arises this further question, which at the peril of the deepest interests of the state must at once be determined—‘in what proportion ought the investment of capital in Railway undertakings within a definite period to be sanctioned by the Legislature?’ Nothing can more clearly prove the intimate connexion of Railway questions with the primary class of public interests, and the consequent necessity of adopting them into the charge of the supreme Executive, than the problem which has now forced itself on public attention, and must ere long receive an authoritative solution. The desire of embarking money in these undertakings may at particular periods be almost without limit, but there *are* limits to the disposable capital of the country

* As a justification of this statement it is only necessary to refer to the famous “Conflict of the Guages,” now, *at last*, referred to a Government Commission; and for ocular proof of the “confusion,” to any “Map of the United Kingdom, with the projected Railways.”

which cannot be passed, as in the fever of a Railway mania they may be, without draining dry the other sources of public prosperity, crippling trade, deranging the circulation of money, and eventually ruining the very object for which the crisis was produced. The sober part of the community is even now alive to these evils, and loudly, though vaguely, a call is made upon the Legislature to arrest them ; but though it is in Parliament that such a power indeed resides, we must look elsewhere for the hand that is to set that power in motion, and to devise and to suggest to Parliament the remedies proper to be applied, and this is the office which rightfully and constitutionally belongs to the Executive Government of the country.

To resume our statement.—After the preliminary processes which have been adverted to had been accomplished, it would devolve upon the Minister of the Crown presiding over the Railway Board, to come down to Parliament at an early period in the session, and to lay his annual Railway Budget before the House, prepared to recommend, upon his own responsibility and that of his colleagues, a certain programme of schemes to be considered individually in Select Committees in the usual manner. The schemes so referred would be subject to be sanctioned or rejected upon their own merits, according to the unbiassed and unfettered discretion of the Committees, subject only, as now, to the ultimate sentence of the House upon the

third reading of the Bills—the Railway Board having in fact passed upon them only that *prima facie* approval, necessary to give them a *locus standi* in Committee, but having in no degree pledged a judgment upon their specific merits, the reversal of which might be supposed to involve censure. Competing schemes, which had likewise passed the primary ordeal of the Board, would be referred collectively to Committees, being arranged in "Groups" for that purpose by the Board. The postponement of such schemes, as either on account of their intrinsic want of merits, or the lesser public urgency of their objects, the Board should have deemed proper to be deferred, would lastly be recommended to the House—the reasons which had operated in any particular case or class of cases, would be stated, and would be open to discussion, and although no proposition would be exempt from reversal by a vote of the majority, it may be presumed that the confidence which would naturally be placed in a well organized and efficient Board, offering its recommendations to Parliament with the authority and upon the responsibility of Government, would secure them from the risk of being lightly reversed or interfered with.

Recurring now to one of the two main objects of these pages :—the excessive labour and consumption of the time of Parliament in railway business would be diminished by the proposed scheme in two ways. First, by lessening the number of cases

to be tried. The limit of these, as already stated, would be adjusted according to the means and capabilities of the country—its capital, its labour, its material resources. Considering the number of Railways already in progress of construction, and the demand for capital which they will create, it may fairly be presumed that the new schemes which would receive the sanction of the Board year by year, would for some time to come be of moderate number. 2ndly. By facilitating and abridging the trial of those which were referred to Committees. The sort of preliminary sanction stamped by such a tribunal as has been supposed, upon a project which they had selected on its merits, out of a large mass, though only for the purpose of undergoing further consideration, would naturally tend to contract at least one, and that a most extensive field of the evidence—viz. that which relates to traffic, and thus spare Committees the endurance of a vast mass of flat and wearisome detail. Though not in the least degree precluded from entering to any extent upon this inquiry, a Committee, except under peculiar circumstances, might well be satisfied to give credit to the judgment of the Board, so far at least as to dispense with very detailed proof of the demand for Railway accommodation in a particular district. The most scrupulous Members would hardly conceive themselves called upon to follow the example of the London and York group of last session, in submitting for weeks to-

gether to hear troops of witnesses of every grade, trade, and description, and to overload their minds with a frightful accumulation of facts and figures, connected with the trade, consumption, and locomotion of the community, in order to arrive at the conclusion, that the exigencies of this or that locality would justify the construction of a Railway. A very moderate amount of general evidence might reasonably suffice to confirm the presumption afforded by the selection of the Board. There might be also some other matters of mere formal proof, which it might be left to the Board to verify, and for which their certificate might be accepted by the Committees ; but the saving of time and labour under the head of traffic evidence would undoubtedly be the most material.*

Such is a brief outline of the scheme now pro-

* Any one who has attended the proceedings of Railway Committees must have been struck with the egregious futility of a mode of proof generally exhibited with much solemnity under the name of "Traffic Tables." This complicated apparatus of figures, usually depends for its authenticity upon the naked statement of the ingenious compiler, or "railway statist," as he is styled, who has been paid to get it up. It is manifestly impossible for the opposing counsel, taking this arithmetical puzzle into his hands for the first time upon cross-examination, to expose the inaccuracies (to use the mildest term) which it may contain. No one can from the very nature of the case controvert such an elaborate statement of gigs, omnibuses, and donkey-carts, as the traffic table assumes for its basis ; but though it is difficult to suppose that so shallow a farce imposes on the understanding of the Committee, the "statist" is usually regarded as an essential member of the *Dramatis Personæ*, and his compilation passes for evidence.

posed for amending the Railway Legislation of the kingdom, having for its basis the combined principles of Parliamentary decision and Ministerial responsibility. It is submitted to public consideration, subject to such improvements as better experience may engrift upon it, as one mode of providing for an exigency which is admitted on all hands to exist, but which as yet scarce any practical attempts have been made to supply. The writer ventures to believe that, if adopted, it would be found to afford remedies for some of the evils most complained of, that it would bring order and consistency out of the chaos of Railway Legislation—would relieve Parliament of an insupportable burthen—would repress fraudulent schemes, and discourage reckless speculation—would prevent the undue absorption of capital in one direction, and the pressure occasioned by locking up enormous sums in the coffers of Chancery to no purpose—and that it would attach public confidence, in lieu of the stigma which now exists, to a species of investment which, when kept within due bounds and under wholesome regulations, is second to none, either in profit to the individual or in benefit to the public. One or two objections which may be made to the scheme *in limine* will now be anticipated by a few remarks, and the answer to the first of these will afford an opportunity for redeeming a pledge which was given in a former page.

1. The expense which would be involved in the institution of the proposed Board may be alleged against it. The writer sees no reason why the country

should be burdened on this score to the amount of a single shilling. "Qui sentit commodum sentire debet et onus."—It is surely equitable that those who are suitors for the benefits of incorporation and parliamentary powers, should be called upon to defray the costs incurred in giving effect to their object ; and if the tendency of the plan above proposed would be, as there is no doubt, greatly to curtail the enormous expenses which now attend a contest in Parliament, the moderate taxation which is here contemplated as the price of such a benefit, is unworthy of a moment's consideration.

A scale of fees then might be established, upon a very moderate and reasonable standard, which could afford no just ground of complaint to any *bona fide* undertaking, whereby a large share at least of the expenses of the Board, if not the whole, would be defrayed. If the fees now taken upon the registration of a new project were raised to £20, or even to £50, what is such an item in the accounts of Companies which now spend many hundred times the amount before they obtain their Act?* But a more fruitful source of revenue still remains to be indicated : let a stamp duty be imposed upon the transfer of Railway script†—If the transfer of the shares is charged with a duty, why not of the scrip

* The fee now paid upon the provisional registration of a Company is £5.

† It is but just to acknowledge that the priority in giving publicity to this suggestion belongs to the writer of an ingenious article in Blackwood's Magazine for November.

also? No reason can be assigned, unless the transfer of scrip *in toto* be condemned. A few words must be said upon this point in the first instance.

The 26th sect. of the Joint Stock Companies Act, it is well known, prohibits the transfer either by sale or mortgage, of the shares of any Company, *prior to complete registration*, and imposes on any party concerned in such transaction a penalty of ten pounds. But such are the structural defects of this Act, that whether the section applies to Railway Companies, or only to Joint Stock Companies established under a deed of settlement, is a controverted question. The lawyers are divided on the point, but the better opinion seems to be in favour of the more limited construction, and the universal practice is on that side; there is scarcely a broker in the kingdom but has defied the terrors of this clause, and has incurred, if it includes Railway scrip, incalculable penalties. The point must soon be settled by authority; in the meantime, while it thus remains doubtful what the law *is*, it is more relevant here to consider what the law *ought to be*. Should dealings in Railway scrip be altogether prohibited? or should they be left wholly unrestricted? or should they be sanctioned under certain conditions and limitations?

The first objection against a total interdiction, is, that it would be next to impossible to enforce it. Whatever possesses a value or represents one, will inevitably become the object of transfer between

man and man, if their mutual interest requires the exchange. And whenever laws attempt to thwart this principle, the ingenuity of evasion will surely be found too much for the utmost severity of prohibition. Apart from this consideration, the particular restriction in question is inconsistent with justice, and consequently with sound policy. Let us suppose that a person engaged in trade has incurred unforeseen liabilities, which he is wholly unable to meet, except by the assignment of property of this description, which he may hold to a large amount, and as may fairly be supposed, without any impeachment either of fraud or imprudence. Are his creditors to be exposed to loss, or himself consigned to ruin, because the wealth, which would relieve both, is made untransferable by law? Such an interdict would be equally at variance with all the received principles of commerce, and with the wise precedents of our own mercantile law; and if not frustrated by its own impolicy, it would deter all prudent capitalists from embarking in the most legitimate undertakings. We may surely rely, therefore, that if judicial interpretation does not relax the 26th Section, the interference of Parliament will speedily be required to do so. But while the total prohibition of transfer would be extremely impolitic, it might be very salutary to impose certain checks, and to require the observance of definite formalities, in order to ensure publicity to transactions which often seek to shun the light, and to discourage

underhand practices, by bringing the parties into contact with the forms and liabilities of the law. Let the transfer of any interest in Railway shares, before an Act is obtained, be declared invalid, unless made according to a prescribed form of instrument, in which the names of the parties and the consideration of the contract are truly stated, and let a stamp be imposed to the same amount as is now paid in respect of the shares of incorporated companies. Parties would then know, distinctly, with whom they were dealing, and against whom they might enforce their legal rights ; a check would be placed to some extent upon jobbing and speculation ; and a sum would be yielded to the revenue which would be applicable either to railway, or to general purposes.

2. The objection, however, which by many persons may be deemed most forcible against the principle of the proposed scheme, is the relation which it tends to establish between bodies of such enormous wealth and influence as Railway Companies and the Ministers of the Crown. Some may see grounds for constitutional jealousy in the possible consequences of such connexion ; others may tremble for the accumulated responsibility which would devolve upon the shoulders of Government. The former class must be reminded of the restricted jurisdiction, and strictly subordinate powers which it is proposed to confer on the Executive ; and the efficient and searching control which might always be exercised by Parliament, where, in case of partiality, or abuse

of powers, every interest would be sure to find its proper representative and advocate. To the latter it must be admitted, that as the resources of a great empire expand and its interests grow more complicated, in like proportion must be the increase both of the energies and responsibilities of its rulers, and that assuredly it is neither to men of weak shoulders, nor of timorous integrity that those interests can, at the present day, be safely committed. But these objections do not touch the real point in question. We have attempted to treat it as one in which the public welfare is involved, and if there is any force in the arguments employed, the public welfare loudly demands a recognition of the principle, that Railway Legislation is a matter of *public* import, which must no longer be left at the mercy of blind chance, or arbitrary caprice, or corrupt solicitation, but must proceed with a steady and regulated course, upon an uniform and well-defined system, in that direction which public policy shall mark out, and the deliberate judgment of those best qualified to form a judgment may determine. If this be true, the scheme which has been traced out for giving effect to the object, is in strict adherence to constitutional precedent and analogy.

Lastly. It may be urged that the plan now proposed does not meet the exigency of the case; its application cannot be immediate, and it will not solve the difficulty of the approaching session. This is not the fault of the plan itself, nor any obstacle to

its adoption, if worthy to be approved upon its own merits. In that case, though time would necessarily be required to carry it into effect, whatever legislation took place in the meanwhile, would assume a provisional character, and be so conducted, with a view to the coming change, as to create no new difficulties in the way of an amended system. That much cannot be done in the ensuing session, notwithstanding the enormous aggregate of the business, seems to be the general conviction. Whoever casts an eye over the portentous catalogue of schemes, and considers the present critical position of Railway interests, and the really fearful effect which any false steps might produce upon the money market, will, probably, acknowledge that the first rule for Parliament to adopt, in such a juncture, is *caution*, and the second *caution*, and the third *caution*. It is better to do very little than to do mischief; to proceed not at all than to proceed in a wrong direction. And whatever inconvenience the promoters of *boná fide* and useful undertakings may sustain by their postponement, the evil, even to them, would be comparatively small, and the advantages gained to the public would outweigh all comparison, if in the ensuing session though not twenty new Railway bills should become law, the foundation should be laid of an impartial, judicious, and comprehensive system of Railway Legislation.

Ergumentum ad Populum.

TRACTS FOR MANHOOD.

ON

REGENERATION.

SOCIAL, MORAL, AND SPIRITUAL.

BY YOUNG ENGLAND,

(*Author of the Tract Aries 'On Seeming.'*)

"ON, ON FOR EVER," IS THE BATTLE CRY, WHICH THE INVISIBLE DESTINIES OF MAN,
ROAR IN THE EARS OF TIME!—JANUARY SEABLE.



Taurus.

Price Sixpence.

[ENTERED AT STATIONERS HALL.]

LONDON:
J. CHAPMAN, 121, NEWGATE STREET.
CHARLES PLUMBE, SUTTON-IN-ASHFIELD.

M D C C C X L V.



TO

THOMAS CARLYLE,

AND

RALPH WALDO EMERSON,

THESE LOOSE THOUGHTS ARE

INSCRIBED

BY THEIR GRATEFUL AND AFFECTIONATE

BROTHER MAN.

THE AUTHOR.



REGENERATION.

We need a true, far-seeing, Poet-Priest, to speak upon this subject—a divine man—and not a journeyman: for it seems to me that Regeneration is the highest theme connected with the sacred literature of the soul. At present there is a manifest misunderstanding of the mighty truth which lies at the bottom of it. Men are puzzled with the Idealism in which it is shrouded, and cannot answer for the meaning so significantly shadowed forth under its dim twilight of stars. Beard wags to beard in hot dispute over its pretensions: but the invisible God sits there in the clouds far up above it all—and no thought has pierced his secret. Yet from eternity has that mystic hand-writing gleamed there upon the solid dome of Heaven! The words it is true are ours—but the inspiration which should make these dumb, inarticulate Ciphers speak—with the cloven tongues of Pentecost—is fled away, like the sound of music under the moon—and left behind it an aching void—which the great Soul would fain inhabit once more.

Our notions respecting this Regeneration, are indeed painfully mean and low: and sometimes they are tricked out with a comic ghastliness at which, one knows not whether to laugh or be sad. We do not regard it as a Problem of God, which each man must unravel for himself in his own progressive being—but we foolishly talk of it as belonging to a religious system—inseparable from it—and cannot see that this system itself is an overgrown carcass

—to all intents and purposes—dead—a dry Mummy of dust. With systems—religious or otherwise—Regeneration has simply nothing to do. It is a spiritual riddle—utterly unconnected with those destroying formalities in which Pope and Protestant have entrenched this beautiful Christianity—and as a fact—unconnected indeed with Christianity itself—for it lies at the base of the Stars and the Universe—and is as clearly to be read in the Fire Revolutions of Nature—as in the new life of the jubilant soul—when it discovers one more bright truth in the flaming galaxy of its own proper heaven.

Assuredly therefore, by no vain Word-battle can this Regeneration secret ever be broken up—nor in any Divinity school—such as now exists—can we hope to obtain that food which is necessary for the spiritual secretions. In the retirement of the closet—in the lonely walk by the wood side—in the abandonment of the soul to the silent teachings of the Great God—the beauty of this hidden mystery may be revealed unto us—as thieves and robbers it never can. We must seek to conquer it with implements of quite another sort, than these Tongue-hammers and Fire-throats of Declamation. Rather let us sit with folded hands and utter no word at all: remembering that he who waits humbly and sincerely, shall in the end receive his truth and be satisfied.

An idea so spiritual as that which is implied by the term Regeneration—must of necessity in this day be comprehended by few. To the sensual man in whom the Understanding is uppermost—who has never been awakened by the sublime voice of this transcendent Reason—which is the supreme oracle of God—it has ever appeared the most foolish of Propositions. How indeed could it be otherwise? What should ‘Gigmen’ and Gamblers, Horse-racers and Fox-hunters—who follow in the wake of all low propensities—know, or desire to know—of that Invisible Kingdom—where there are no foxes,—nor so much as a poor timid Hare, to hunt—and over which no higher being, than a God,—trails his grandeur and his glory. Already, in their eyes, God is but a magnificent Bugbear—seated beyond the confines of As-

tronomy—in dubious space—to terrify the *ignorant* profane; but for them—they are too wise to be frightened out of *their* profanity by any such spectral illusion! What wonder then that Regeneration, should be an unbidden guest at their orgies—that it should be scouted and sent in dumb pain away? Even if it should come to be questioned—will it not be after the Nicodemus fashion? How, Fool: can a man enter a second time into his mother's womb, and be born once more? This is something too much for the Fox-hunter who knows of no other peril of birth in nature—save that of Childbirth! Ah! it is sad to think, how man, with his wondrous faculties, capable of so infinite an unfolding—should be content *thus* to live—bartering away for such trivial and ignoble sensualities—the divine rights and immunities of the soul!—as if the soul were not—and Here, and Hereafter, were but the phantasms of a drunkard's dream. Alas! Brother, they are no dream-mockeries—but the most solemn and tangible of all realities! Thou even art encompassed by an Eternity—and thy life is the centre thereof. Infinity is above and round thee—Infinity within thee—and woe to thee if thou doest not thy work—if thou lookest not Infinity in the face and with God-like endeavour struggle upward to the stars. Life, if we regard it truly, is no thing to be frittered away in lusts and toys—but a sacred loan—of wondrous inconceivable value—for which the highest interest will be exacted. Let no man say his life is poor and bankrupt in itself, and utterly worthless of interest; for behold! it is the mirror—and as it were the microcosm of the universe—and all the riches and jewels of God are his by the right and title of this life—he has but to seek and appropriate them. Worthless indeed! what then is the meaning of Love and Duty? If we have not yet discovered this meaning, life may truly seem, for the time being—worse than worthless—for herein the whole happiness and glory of life are comprehended. Love makes a Paradise wherever it dwells—out of what materials soever—and Duty like an obedient guardian angel keeps and preserves it a Paradise.

But Duty should be understood. We owe it, to ourselves, to

his two animal lights. He is always looking at the Symbol and cannot discover the Reality behind it ; he might strain his eyes out first ! To him there is nothing but Darkness beyond the bright Phenomenon of Creation—He does not regard it as an effect—an appearance, instinct with spiritual life and significance—but as a fact, calling neither for comment nor investigation—unsuggestive, —unideal—a sort of Lubbers Mechanism which goes bravely and looks grand. All things speak plainly to him after the laws of sense—these only. The landscape and the sky are worthless and meaningless in his mind, save alone for material service. There is no soul anywhere—only a body ! And Nature with her many-tongued creatures—speaking with such fervid eloquence in the Theatre of Creation—with the great Earth for a Platform—and the everlasting Hills—and the Flashing Seas, and the Ten-Century Forests—with their living occupants for Actors—all rounded in by the concave Heavens—with ever-shifting cloud Scenes—and dim moonlight drapery—and gorgeous setting Suns painted there in colours of crimson, and gold, and purple—on the blue canvass of the West—even this same Nature is to him, nothing but a mass of brute matter—suggesting nothing but meal-times and sleep. He could not even predicate Hell itself from the palpable resurrection and Apparition of the Devil. Nature it is true, like a kind mother, scatters her beauties around him regardless of his blunt individual obtusity—but then he feels it not. A Flower is certainly a Flower—made up too of sundry coloured leaves—supported by a stalk—like a Windmill upon a Post—but no more ! He never read a Poem in the white corolla of the daisy —nor heard the winds chanting their solemn anthems in the dark woods at night—and these sweet sisters, Poetry, Music, Religion, Love—which inhabit the conquered ideal world, and are so dear to the hearts of wiser men, are to this man mere names—the emptiest shadows of Nothing.

Yet the class which this short-logic-understanding-man, represents, is alas !—uppermost in the world. A severe grappling class it is—testing everything upon the evidence of its five corporeal faculties—and admitting nothing which it cannot prove by such

agency. Heavily with muffled hands it sets to work upon all subjects, beginning in Doubt, and ending in Infidelity, in Defiance and in Scorn. No more miserable condition can a man exist in, than this. It is the very boghole of Humanity, wherein what thousands sink and perish ! To stand there, thou Foolish Dubitant—on such quag-puddles of bottomless unbelief—confident, too, in thy strength and security—armed with such pitiable Will o' th' Wisp firebrands of Scorn—mocking the Infinite !—What sight under the heavens could be more lamentable ? The quags are already sinking under thee—and thou, like a poor pigmy Lilliput, wilt, ere long, be swallowed up for ever, leaving no trace behind thee.

To believe nothing but that which can be proved through the senses by the understanding, is the boast of the quack—or at best of the ignorantly profane. Philosophy is libelled by such claimants to its honors. True wisdom is teachable and humble—it sits in the sunshine with God and is an universal recipient. It leaves these base weapons of Denial and Proof, for other hands to wield, and is content with the affirmations of the Universe. So high is its Reverence, so exalted its Love,—so sufficient—that to its mind, Faith is ever a jewel laden Handmaid bringing glad tidings in sweet whispers from the sky,—and opening always a direct communication between man and his Creator. There is no logic Railway to Wisdom : Wisdom comes by the inspiration of God. No matter how much steam you make : for what avails it ? Can a man get to heaven by steam—alas no ! such material appliance may serve the material—may cheapen the transit of Passengers and Pigs—but it cannot furnish the bread of life. To the logical unbelieving-man, I would say therefore “ Peace : thou art a babbler ” ! What is it that thou wilt not believe ? Is not the commonest grass blade—the rudest organized animal a deep wonder and mystery—a perpetual miracle—baffling all logical acumen and far beyond the very reach of Sense ? Nature laughs our cunning to scorn, and has no other answer for us than this, ‘ I am ’ . What boast, then, is that, of Sense Proof and Understanding Worship ? We cannot so much as prove the

truth of our Senses. We say it is through them that we get ideas : How know we not that the ideas are in us already, and that the universe itself, is but a Phantom conjured into visible life by the all-creating soul ? this Phantom *is us* also—and not out of and beyond us ? Can we test the accuracy of the report which our Senses make of these supposed outlying objects ? If so by what means and agencies ? Is it not plain that the Senses are Judge and Witnesses and Jury in this matter—and therefore that no true verdict can be given ? O Sensual Demonstrator—in vain ! What thou hast to do is simply to believe, and not to demonstrate—if only thou couldst see and understand this.

Sorrowful indeed is that low estimate of the soul of man which obtains in society. I see around me vast multitudes of men—degraded thereby into Slaves and Puppets—their motives being self interest, their God utility, and their supreme heaven the lowest gratification. The ancient fire which burned in the hearts of those venerable Worthies who in all countries and ages have nobly and religiously dared, to abide by the truth of God—to live from within—and to sacrifice all outward considerations—all calculations of profit and loss—to their love of goodness—their integrity and virtue—is well nigh quenched in the breast of humanity—and is seen only to exist here and there in some lowly and lone martyr—some unheeded hero-saint who, in the midst, perhaps, of poverty and want—bears himself like a ‘King in Exile’ and does battle there—for the truth that ennobles him.

Gratefully let us thank God that such men are—how few soever—and that Principle is not yet dead in the world. They are the only Hope—the only guarantees left us—of God and the Soul. Men dare not give heed to truth. They are afraid of its stern exactions and tremble before its dread tribunals. In all their actions they are guided by a base Prudence, a base respect for the rich—because the rich, keep the keys of Mammon and are the dispensers of its Emoluments. What Emoluments ? House and Land, Presentations, Trade Patronage ? Ah, miserable men, and are these the despicalities for which you exchange

freedom, the high privileges of thought—and the right of independent action? Does Gold bring with it peace—does it satisfy the wants of the great soul—is the soul content with it—does it not rather upbraid you in all silent meditative moments—and with deepest agony of utterance—beseech you to trample this devil's wages under your feet and announce to men and angels that you will live for it no longer? Foolish is the plea, nay altogether wicked—that the world is base—and therefore if you would live in the world you must abide by its law. We are here to raise and exalt the world—not to sink down and be smothered in the ashes of its burnt-out heart. Think you that there is no other end for existence than that of money making? Think you that the worship of Truth is indeed an illusion, and that the sensses are absolute and final? Brother is there a God? If so—what are his requirements of man? Gold-gain and sensual indulgence? Nay—but love, duty, and obedience! His law is written upon the dark walls even of your soul—in characters of flaming fire—if you will but read it there! To you and to all men this gospel is preached—that Duty is the highest law! that wherever a man may be, in what circumstances soever—he has obligations devolving upon him, which in their influence are infinite and in their nature eternal: not one to-day and another to-morrow—but the same and immutable for ever. To this Duty he must sacrifice—for it he must cast aside every party consideration of wealth—every low thought of the outward good or evil results of his conduct—and brave and welcome death itself—if in the performance of his Duty—he be driven to that necessity. 'Paradise' said Mahomet, 'lies under a shadow of swords'—it must be won by the true and brave heart—no coward, no recreant—no mean driveller, who shrinks from the Right—and the advocacy thereof by word and deed—no panderer and slave to Mammon—can enter under that terrible gloom—into the 'silent land' of all the 'great departed.' Let a man have faith in Principle—and believe that he shall conquer and subdue the world with it. Whatever he thinks to be just and true that let him perform. He shall gain credit—even of the world—at last: but for him

who forswears his own soul and acts at another's bidding—that he may eat and drink more certainly and securely—there is an universal execration. The very Crafts-men who victimize him to their ambition—do not trust—but despise him—and alas ! he carries a Hell in his own bosom—compared with which whole oceans of fire and brimstone—were but as liquid honey and wine.

In the meanwhile, however, there is faith in the Sun and Moon, and these glorious creatures—calm and confiding—endure,—reposing their sublime heads on the peaceful bosom of God. Can we not learn of them, even, this deep lesson of Duty ? Do they swerve either to the right or the left—are they not all obedience—going their appointed way by the will of God ? Are they Deniers ? most of all are they Scoffers ? Alas ! what havoc in the burning starry wilds were there in such a case—to which a moral parallel might almost be found amongst us in this day. Orb rushing into orb with devouring fury—swinging wildly—madly—without law through the deep flood ethers of the Universe—dashing system after system into fragments—into atoms—until the scattered pieces fall down like millions of black rain-drops for ever and ever—darkening Infinitude—with no gleam of blessed light—save only high above it all—the lurid glare flaming—ever and aye—through the now so solid night—from the jagged ribs of burning worlds—not yet quenched—but anon they also smouldering and falling—and others succeeding them—until the last world be shivered—and God himself a corpse—burnt into ashes—upon the funeral pyre of his own Creation.

There is nothing so easy as the little Art of Scoffing—the Infidel state too of unbelief. But Oh my brother, are God's creatures from the worm to the galaxy held together by unbelief ? Is it not rather by faith in God—so that Faith may be called the Giant upon whose shoulders the whole creation is suspended. The harmony of Nature—should teach us at least the great lesson of Humility and God trust. Our only safety—our only surety of a happy issue, to the life-battle which we fight here lies in the truth of our obedience. To trust where we cannot trace is the highest perfection of the soul. To stand on this peaceful

hearthstone, with all these smiling, laughing, playful, little ones about us—and to feel that in the great Immensity—amid the poise and whirl of unnumberable Constellations—upheld there by God—these little ones are also encompassed by his love and shielded by his protection—and that whatever happens in life or death—it is the best and wisest that can happen—this I hold to be the most chastened height—to which human wisdom can attain.

By no cleaving to Sense, however, will this wisdom descend upon us, but by trust—only. He who professes the philosophy of the Senses—and deals in wholesale logic and utility—will find it a hard matter—at the best—simply to reconcile himself to the world. How many ‘unmixed nuisances’ will he meet there? Affliction and Disappointment, and Sorrow, and Trial, and Difficulty—instead of being the furnaces of Regeneration—are metamorphosed into so many Foot-pad Devils waylaying him on his gloomy life-journey to Death and Annihilation. For after all the service of the Senses gets poor wages. Oil and wine in abundance, perhaps, but then there is a penalty attached to this abundance—Oil gripes—and Wine brings on at last insanity and Delirium Tremens—so that Sensuality is sensual from the Alpha to the Omega thereof.

If Man were a very animal—endowed only with a sort of Half Rationality—and that for no other purpose than as a pander to the propensities—it would require no logic to prove that the highest aim of life were a sensual aim. But what then shall we say to Plato and Jesus, to Shakespere and Goethe? Sadly indeed did these high natures misunderstand their life aim if that first proposition be founded in Humanity. From two such contrary facts—shall we not rather conclude that there is a sensual and a spiritual life in man,—which when rightly understood—will be made to work together in harmonious developement—so that the two shall become one complete and perfect whole—and the result be a true human being.

The Sensual, however, must always be the first state of Men as well as of Nations: the great Misery to be guarded against

being—the *abiding* there. From numberless causes—and chiefly from the Nightmare of Ignorance—the mass of Mankind never dream of the spiritual state—and Regeneration has become a Fools' byword with them. Would that all the Intellect and Holiness in the land were to set earnestly to work, and educate the people in this matter: not by idle declamation—and unmeaning words—but by sober primal teaching of the Alphabet first—and then upwards from the heart to the head—but sad enough!—with the People, bread is the first Alphabet—and this attempt successfully to Educate would involve social Revolutions of an alarming character—altogether too wild and preposterous to mention even here: and once more there is no help for us but to wait.

It is, as we have said—a melancholy reflection—that Men in these times—even the Educated—live grossly after the laws of Sense. Education Principle and Piety—do not as they *ought*—walk hand in hand together, but divide themselves amongst Lawyers—Durham Cordwainers—and Wesleyan Methodists. We have few divine men in a whole legion of literati. Understanding Clodhoppers—if I may be pardoned for so ugly an utterance—are they all. No matter how high and complicate the problem—if *they* cannot unravel it by their logical process—it must needs be some foolish German mystery hatched in the Metaphysical oven of a delirious Poetaster—or bred perhaps like ‘Religion’ in his ‘smaller intestines’. Men do not seem in general to have a true idea of the proper province of the Understanding. They forget that in the realms of Thought and Poetry—it has no right save as a humble silent listener: Reason being the Lord of Man—the Revealer—and Understanding the servant—a most sufficient distinction, and also a most important one. Would that we could all see this: but we are blind and deaf, caring far more at present for the creature than for the creator. Not content to receive the divine revelations of the soul with love and gratitude—we profanely question the data of such Revelation—and would bring down the very God from Heaven to answer for his own Omniscience. To this fact we may trace

the cause, not only of Ante-faith and Irreligion—but of the death, of that most vital, grand, and ennobling truth nevertheless—the Inspiration and Divinity of Man. It is because the Understanding has usurped the throne of Reason, that every thing low is exalted, that every thing high is degraded. Godless is the spirit of the world. See how Mammon and Plutus are worshipped in Banks, Bacchus in Gin-palaces, Locke and Paley in Universities—and this so Omnipresent Devil—everywhere! The Altars of the Holiest—where are they? In some dumb speechless heart, burning with flames of unutterable love and devotion—or bursting out into words, which these Devil-worshippers—account as the ravings of insanity and madness.

Yet it is the prime condition of this multiform life of ours, that we should first of all be ignorant in order, that hereafter, by endeavour and earnest valour, we may become wise. Let us never forget this solid Proposition—for it lies at the root of every investigation concerning Man. Metaphysical and moral Science are girt about with laws, as hard and stern, as those which govern the bruteest matter. Always we must adapt our tools, to the work which we have to accomplish or there is nothing before us but defeat and despair. We do not dig the Soul out a Poem with spades, and pickaxes—nor measure the stars with Yardbands—quite the contrary! Why then by equally as absurd and mad a process as either of these things would be—do we grasp with our sensual hands at the Infinite Spiritualities—the disembodied Truths of God? We cannot hold them—as easily could we prison the Moonlight in bottles! And yet notwithstanding, the grave evidentness of this fact—there are now—and have been men in all time—who go on long journies of discovery into the Celestial Land without being properly equipped and trained for such enterprises. Heavy Dragoons are they—ignorant of the language of the Country and seeking to vanquish the Impersonal People thereof—by the keenness of their hungry swords: but in these instances the Impersonalities have ever been too much for the Dragoons! One condition is always necessary in every human undertaking—this namely—that he who works, and the

thing upon which he works, should be made of the same truth. He who makes a Watch is Father to the Watch. The wisdom of the workman, labouring in harmony with the materials of which a Watch is composed—produces at last the perfected image of his thought—But what species of Monster, would an ignorant Pedlar who was profane enough to attempt the fact have made of these same materials ?

That this doctrine of Regeneration, therefore, and indeed, all high spiritual wisdom—should be misunderstood—doubted—unbelieved—and even mocked at by such men as we have described—wallowing in this first state of ignorance—slaves to the unenlightened Understanding—cannot excite within us much wonder. Pity them we may—if our pity can serve them—but condemn them to their hurt—assuredly we may not. Brothers are they all—souls even like unto ours—washed by the surges of the two same Eternities—keeping too their own accounts—perhaps with integrity—and in so far they may be said to be happy. Yet as folded—undeveloped men, they have a strong claim upon our sympathies and sorrows. We would fain make them also see with other eyes—and live in deeper depths. We would wake them up to the consciousness of that vast idea of the Infinitude of Man—upon which as a back ground—all the splendid Symbols of Eternity and Immortality—are painted as with the finger of God. For what are mere Sense-worship and Logic-ministration compared with these sublime realities ? Ah see'st thou not O Brother that life is but as a greedy Harlot, and the God's world a huge brothel—licensed to Lust and Crime—if there be nothing beyond thy theory of Sense ? whilst this of the Super-sense exalts both life and the world into the supremely beautiful and the Godlike !

Yet we need to see as a sort of safeguard against any possible hate or persecution that what a Man is—that he must be. Not only this Natural-Sensual-Man, but even this cultivated Sensual Voltaire—is as true and necessary a fact—hiding too the profoundest lessons, as the fact of Paul or James or Pythagoras. In some sort every man's life, whether he live truly or falsely—

is an evanescent or permanent phase of all men's living. Yet the struggling earnest soul fights its way alike bravely through Mahomet's Paradise of Houris, and God's Kingdom of the stern questioning Seraphim. Although therefore one must be that which he is—it is the highest Evangelist-effort—in this and all other days—to proclaim a better and nobler state of being—a being of endless Progression—to proclaim it fervently by word and example—and thus to raise the sunken hearts of men—and flash over them the unquenchable light of immortality and hope—starting them also onward with unspeakable joy.

Unhappily—as it would seem—all our social Institutions tend to foster the material life in Man and to crush the spiritual, so that these high matters of Thought and Truth, seldom or never reach the masses save at second hand. They are immersed in the slavery of Mechanism and seeing that Gold alone is held sacred by the so-called noble and wealthy—they too must bow at that Altar and care but little for the Bread of Life. Whenever therefore the profound teachings of Christ's religion—the lessons of Reverence, Humility, Faith, Duty, and Love—are proclaimed to them they suspect the facts and regard the speakers as interested men who would fain dupe them for the glory of God. So wide is the distance—so unfathomable the black abyss which lies between them and God's special Prophets and Pleaders—that they cannot so much as understand the Cui Bono of Reverence and the rest of them. They see that these spiritualities will not buy bread—nor even furnish them with the coarsest russet frocks and what other purposes they might answer is to them Runic indeed!

True there are many exceptions to this rule—many noble exceptions—especially amongst the artizans of the Manufacturing Districts—but the masses—those dwarfed, shrivelled, wretched, suffering men who are dead to every life save the toil of Life—in Death—how can they answer the endless questions of the Spirit! Poor God-made brothers—to what a worse than Devil's service are ye doomed! No wonder that your souls should be blank and barren—without faith to believe in any thing which will not bring with it your daily rations of 'boiled nettles' and 'oatmeal'—no

wonder that heaven is to you a burnt up scroll, and all the immeasurable stars but dying sparks—a Funeral Pall—instead of a Jewelled Curtain, hiding the City of God, wherein there are mansions for you and all at last.

For such grim ghosts and mere skeletons of life it would be well first of all to find an earthly bread—nor perhaps, in this argument, will it be thought unpoetic and vulgar if I add—Beef also !

For deeply as I mourn over the spiritual decay of Man I am not blind, nor insensible either to this animal decay.

“ Work, work, work
“ From weary morn till chime,
“ Work, work, work,
“ As the felon works for crime.
• • • • •
“ And what are his wages ?
“ A bed of straw—a crust of bread—and rags !”

Alas ! this is an all too true picture—enough to make one cry Shame upon the Law and the Country—which tolerate such an iniquity—a Country possessed of wealth and facilities for every enjoyment under heaven—capable of making happy—under a wise investment and application of these—five times the number of its present population—with a Steam power too equal to near 600 millions of men ! And yet what do we see. Palaces and Mud-hovels—the Many slaves to the Few—Corn-law ridden—Priest ridden—King ridden—Hungry—Ignorant—Naked—Miserable—a vast machine out of which Mammon grinds blood, and coins it drop by drop into gold for that the Few may gallop after Foxes and shoot Game. No later than yesterday I saw in this poor Agricultural-starvation-locality, a noble Lord ride by in his Chariot and Four, and a troop of old Men—grey-headed—and young children bare and ragged—running eagerly after him—to gather up the Dung which his Horses had left there on the road—as a sort of surety that they were Lords' Horses and felt compassion for the poor Dung-gatherers. And thus, O God, does this thy world wag at present—Dives has his good things and Lazarus his evil things.

Now in a Land like this—where Bibles can be bought for one shilling sterling—and 20 millions of money are thought a cheap sacrifice for the freedom of 800 thousand 'Black Africans'—cribbed alive under the Molten Fiery Tropics—is it not sorrowful that there should be found so many millions of White Negroes who are not only destitute of spiritual aliment—but apparently with no 'Dynamical' apparatus to receive and digest the same—and what to them is of still more momentous import—that they have no mere animal aliment either, nor can all the Horse-droppings in England secure them that. One would think that hearts so big and vast—which could take in all these Sugar Coffee and Indigo islands—as if they had been so many pet dogs and parrots,—might—if not before—yet now at least—find room in their immeasurable love-realms—to take in also these very near relatives of ours—who starve with pain and hunger—here in this Pagoda Temple of Christendom—upon the very bosom of Christ—Christ in Effigy alas!—which to them is no rose-pillow—but an impenetrable stone of adamant. "Feed my Lambs" said the real Christ—not only with manna, I suggest, but with solid Junk—"Away O Hungry Lambs! with fiercest growl exclaim the Wolf Malthusians of the World! for ye Nature has provided no feast no table, the seats are all occupied and there is nothing for ye but to depart" 'Bread, bread' is the undying cry of the People—and 'Stone, stone' the Everlasting Echo. Surely it will not always be thus. Surely there is a God that rules in the Earth—who will not shut his ears to the sufferings and agonies of these White English Slaves for ever. Perhaps even the Black Negro Emancipators themselves may by and by rouse up and ponder the question of English Slave freedom. A most worthy question but scarcely poetic enough! In the mean while is there no Fourier Parallelogram which they might build as a model—shewing what Capital Skill and Industry—under wise direction might accomplish for this whole island. Much good might be done that way if they would only look to it.

But unfortunately we English are such great exporters of Love and Philanthropy—that we beggar our home markets. In vain

ever of these doctrines—frozen in so much human blood—and believe that the truths of Christianity—those mighty voices which proclaim God in us—are the truths also of every living soul—how enslaved, degraded, bebruted, soever, they may now be—and that in them we are to live here and hereafter—shall we rest in peace under the “ pied and painted Immensity”—one with God who is all in all.

For the teaching of Jesus, was not theory and hypothesis but reality and fact. It was the highest Revelation yet made by Reason to the Understanding—so indeed that Understanding, unaided by the divine influences could not and cannot comprehend it. It was the utterance of a godlike soul labouring under the weight of its own majesty and infinity: labouring to quicken other and all souls into a like life and purity. Jesus was the first earth-born Son of God who unravelled the meaning of the human soul: who sublimely lived there in its solemn and mysterious depths. The truths which he taught, once proclaimed cannot depart hence, but evermore must abide here. They are the foundation of spiritual being—not of Christ's alone but of all mens'. What he has seen and felt we also may see and feel—for the roots of all truth are pierced and fastened in the soul—in all souls. But no sensual man can discover this—nor so much as believe this. High as the heavens are above the earth—so is the Spirit above the Body. We must leave the body and cling to the soul if we would know how the ‘ Kingdom of God ’ may be ‘ in us ’—if also we would dwell in that Kingdom. Beautiful it lies there in the sunshine of the believing Soul—not yet, perhaps, fully revealed in all its brightness and glory—but waiting for the Revealer. Enough for us to know at present that there is this Kingdom within us—and that we are to go forth and conquer it! Has not Jesus dotted the foundation thereof with stars, peopled it with Truth and Immortality? and guarded it with the flaming Cherubims of God? Let us hasten therefore—with humble and pious hearts to announce ourselves as the Inheritors of this Kingdom—and take heed that we defile it not with sin and corruption: but truly seek to work therein with godlike perfectness and endeavour.

Yet that Christianity or in other words the meaning of the human soul, should be so long an inexplicable enigma to the world, I cannot account as exceedingly miraculous: especially taking into question, the history of Civilization here in Europe, from the dismemberment of the Roman Empire. What vast unwieldy incongruous elements came then into being—and had after some fashion to be adjusted—nay even now, are not adjusted but to all appearance only beginning to be adjusted. It was a great battle of Mights—a struggle at first of mere brute force against mere brute force to obtain a settlement of footing: a continued giving way of the strong to the stronger. And when at last this Institution of Feudalism grew boldly out of these elements and planted itself down there—with this other Theocratic Institution alongside of it—what hope was there that any but a mere decimal possession of the Christian Truth should be obtained? On the one hand for outer life were Boar-hunting—Deer-hunting—Carousals—and the privilege of the "Suzerain" to refresh his weary feet after the chase in the bowels of one of his "Serfs"—and for inward life Pride Lust Passion Insolence Tyranny Oppression and Superstition—this last the only moral influencer! And on the other hand were huge dusky Houses—Communities of Ascetics who mistook Christianity for a system of Mortification and Prayers. It is true that a deeper and sounder good came out of these Communities in the preservation of Learning and Literature—and finally in the influence of these over the 'Grammar School Children' and through them over the 'Chattel Property' which in those days the people constituted. But for Religion itself the blossom and fruit of the soul—it was an unknown, undreamed-of fact. Nor could it indeed have been otherwise. Society was now only travailing in Physical Birth, and men had no idea of that spiritual life which has never yet been developed in a mere physical society. It was enough that the Priest by terrors of the Infernal World—and by glories of the Heavenly one—restrained in some measure the brutal passions of Society, that they oftentimes arrested the strong arm of the Feudal Lords upraised against their miserable serfs—

and that they aided in ameliorating the condition of these serfs—and finally though long after in emancipating them from thrall. A great work indeed but a slow progressive one: during all which time quite another thraldom had been growing. Monastic Institutions once established—and they became the dungeons of the soul. Religion such as then was, was driven out that Superstition might come in, and like a many-coloured Serpent coil itself about the national mind and heart to crush them into submission—into passive obedience, and reverence, not of God but the Pope. A great good were these Institutes nevertheless—adapted likewise to the circumstances of the ages and the men who dwelt therein,—clear and visible necessities restraining the social elements—and inducing a sort of harmony out of the prevailing discords. The physical grew and flourished abundantly under their shadows and man worked society bodily forward and not backward. The Idea of a God too—mean and low as it was—draped in Tinsel and seated upon a cloud Throne—if haply the idea reached so high as that—was something! even if it were no more than an awful terror influence Devotion of the proper sort started out of it—powerful enough to impel Lord and Slave to bend the knee together! But true spiritual life is not born of terror—but of love! and in those days—with such materials as Society was then composed—how could it be born at all? Some secluded cloistered souls might walk therein—so far as Popery allowed—so far as its light enabled—but the outside people in this grander Monastery of the Creation cloistered by the stars—had they not enough to do to quarrel and settle quarrels—to wring Charters from Kings—to establish Manufactories—build up Guilds and Institute Corporate Boroughs? In the meanwhile Chivalry itself—which was a far higher movement of the mind than any up to that period, and productive likewise of incalculable beneficial influences upon the Progressing Civilization—was nothing more than the innate heroism of the soul uprouted to fight for a Dead Lord's Sepulchre—uprouted by the fiery eloquence of a Hermit Priest who forgot that Christ's Kingdom is not of this world—and that it mattered little what became of his

Tomb or the Holy Land in which he walked about. A higher truth yet remained to be discovered, viz ; that Jesus never died —nor was ever buried—and that all Lands wherein he lives are alike Holy. It required the Serfs to be enfranchised—Commerce to spring up—Reformations, Shakesperes, Commonwealths, Miltons to be—and new Machinery also, to prepare the way for a very common appreciation of Religion. Strange it may appear to speak of Machinery as a preparative to Religion, seeing that these two are so immensely opposed to each other. Yet assuredly God works by marvellous agencies—as is manifest in the whole history of the world—and in no epoch is the fact more vividly plain than in this. Out of 900 years of monastic gloom and superstition—during which period there was but the faintest sprinkling of stars—suddenly bursts forth a Luther-sun to illumine the earth and start into irresistible life the smouldering Intellect of humanity. Machinery is to this Age what Monastic Institutions were to the nine centuries which perfected the Man Luther, and presently let us hope and believe that a new Luther will spring out of the heart of this Mechanic Demon who shall raise and exalt the race. Life presupposes Death—and death life—it is Regeneration for ever. The frightfullest Despotism that could chain the minds of men can exist only its hour. Seven centuries of crime and misrule in Ireland produce at last a counter resistance—as the great Repeal Movement amply testifies. Nay one can see the seed of God dropping from the bloody jaws of despotism itself. All evil is but God, in disguise—slowly indeed revealing that truth—but as surely and certainly as that God himself is alive.

Yet I do not imagine that the lofty Idealism and many coloured meanings which lie hidden in Religion—can ever be fully discovered—accepted and lived in —until the struggling—incongruous elements of which the present society is composed, shall break asunder its ribs and integuments and achieve a new social state.

Certain it is however that hitherto—the world as a whole represents the material world and is its gross human counterpart.

It is unequal and ever has been so to the high requirements of Christianity. Gods have visited it, of a truth at intervals, and uttered in grand organ-tones—glad tidings from a brighter sphere—directing men's eyes from the dark shadowy corporeal, to the radiant glorious incorporeal—sowing as it were the seeds of wisdom, with jewelled hands of music—but the heart of Humanity so cold and dumb had no strings in it to vibrate to the melody. The whole history of Christianity, barring these good visits corresponds to this thought. It is not a live soul but a dead corpse, which drags its length over all these black and baleful ages. Those who promulgated it after Jesus went back again to Heaven—if we except his own immediate disciples—lost sight altogether of the Kingdom of God and began to build a sorrowful Kingdom of Man: a kingdom founded upon those base materials which this divine Jesus pronounced to be of the earth—earthy! At all times—in all countries—the so-called Christian Priesthood—unhappily accommodated their Christianity—too much—to the savage and immoral modes of the people amongst whom they dwelt—amalgamating it with those modes—the better perhaps, to rule and govern them with their spiritual saws, and iron metallic thongs. Of a certainty however we have never yet seen either a Christian Institution, or a Christian people—assimilating in any but a very low degree—to the truth of Christ. Philosophically considered, this thing is to my mind impossible from the nature of our social arrangements—and has, up to this time, ever been impossible. We have yet to work out this experiment into which the new social elements have cast the spirit of Man—to adjust that matter of the LAND, with all its deep intricate appendages and involved problems of political, social, and moral economy—before we can, nationally, and as a whole comprehend, and establish this primal fundamental law, upon which the whole truth of Christ and the human soul, are built—viz, *That all Men are Brethren!* Slowly have we been fighting out this truth, which by and by let us earnestly hope, we shall also *build upon*. It is the first step to individual and to national regeneration—and has a large, unboundable significance. I have an overpow-

ering Faith—that this great doctrine of the Brotherhood of Man, will yet form the groundwork of every social Institution—and that the Past—with its dead brute aims, alive nevertheless with a governing inscrutable God—shall be regarded only as the savage wilderness of human history.

Think for a moment, what is the meaning of Brotherhood! what notions of equality it involves—what rights and infinite sympathies! Thou poor bowed, broken-backed, and broken-hearted Slave toiling in the ‘Cambrages of the Arkansas’ art thou also a man? and do the floods of God’s Eternity flow through and encompass thee also? Then there is yet hope: nay endless, interminable Rainbows of Hope—unless indeed, this Brotherhood, be after all but a Chimera—a baseless dream-fabric—having no root whatever in the soul of man.

At present, it would seem, we do not quite understand the meaning of Brotherhood, but rather that of no-Brotherhood! In the Great Fire Smithy of the Ages—under a pomp of Stars, we grim Cyclopeans have been hammering on hard anvils—for-ging all sorts of negative thunderbolts with which to batter the iron foundations of the world. Far enough have we advanced on one side, with our army of Sappers and Miners—headed by this terrible artillery with the Thunderbolts—but that other realm lying there so soft and beautiful—no physical mining and sapping and battling—has yet subdued and conquered or ever shall. We must try the affirmative bolts to effect this, and engage the cunning of a more heavenly craft to forge them than any Cyclopean cunning. Not that I mean by this that it has all been knocking down and no building up. There has been an infinite building after a fashion—a building too, which has so far, an-swered its purpose that it has lodged many millions safely or semi-safely during the tear and battle, the blood and agony of many wild struggling centuries. I would not however pull by force the beard from the Devil’s jaws—let him wear his beard, since he has taken the pains to grow it there—only one might hint to him, that this being altogether a ‘respectable’ epoch of the world’s history—it would be as well, perhaps better, if he would

condescend to get himself shaved! For are there not Barbers now?

Thankfully therefore let us accept the Old, with its Institutions of negative truth—and inasmuch as we have now got a glimpse of the ‘Yes’ as well as the ‘No’—let us ponder well the significancy of both, and start our best issues out of them.

Of the Mechanical, at all events, in all things, Philosophy, Morals, Religion—there is something indeed too much. After a long trial we find that the Mechanical is only an anatomy of Bones—without so much as a skinny covering over it. It can grind well, with the agency of Humurus; Ulna, and Radius—as David Hume in philosophy—this same bearded Devil in morals—and the ‘venerable’ John Wesley in Religion, can certify: but it never yet ground Fire Sparks out of a Human Soul, to light it up to Heaven—nay nor did it ever afford a poor Farthing Rush-light to keep us clear of the bogs, here upon Earth: nothing but an Ignus Fatuus and Will o’ th’ Wisp of Darkness—conducting us under a sham of guidance into weltering filth and neck-deep mud! We have had enough and to spare of the Mechanical, but from it nevertheless, we have obtained this grand suggestion of the Spiritual—which is quite another matter.

The wonderful depths, into which the human mind has of late years been plunged, and the fresh elements which have come into being—rushing hither and thither in blind fury—seeking for a resting place—are all happy indications of new life. Sorrowfully has the old Past been labouring during the Twilight of Time—to produce the same—to cast finally out of its silent womb a perfected and more ethereal likeness of itself. What deep necessity there is for this change is evidenced by the condition, and as we have before said, the thinking habits of the great mass of the people—not here in England only but in every ‘civilized’ land and clime. For now if there be a many-tongued and million-handed spirit at work—weaving in the ‘Loom of Time’ a new garment for Humanity—there is also, alas, that other World-old-Spirit—cleaving with life or death tenacity to its vesture of filthy rags. I know well enough that Revolutions are not wrought in

moments—but under the light of many upushing and down-descending Suns—yet with might and main I pray God in speech and action that the Revolution may come—that thousands and tens of thousands may speedily be born into this world as the aiders and abettors thereof. We need a whole army of Revolutionists—not of the Bastille and Guillotine sort—but of high minded lofty Hebrew Pietists—God's servants by life-apprenticeship and devotion. For he who essays to become the Teacher and Renovator of his race—must be no clever brained man—no word-disputant—no 'female society and weak tea' man, boasting there at the gossip-table—of *his* doings in this great labour—but a 'New-born Bard of the Holy Ghost,' called and elected by God and fulfilling earnestly in deep love and sincereness this highest mission. For men now more than ever require to be taught and guided by the Best and the Highest. Awake out of the black, moonless night of Superstition they stand for the first time in the grey light of the morning of Freedom—full of dumb wonder—and know not how to live and act there. Already have Fanaticism and Atheism and countless hosts of Quacks and Impostors tried their schemes upon this newborn Man and failed! Thank God for it! thank God that no Quackery can long abide here—that nothing can at last survive, but Truth, new discoveries, and new adaptations of truth. Man's inmost nature must be known and probed and satisfied. Whatever rests not upon that solid foundation must in the end be burnt away, and consumed like chaff. Not willingly or knowingly is Man deceived. He accepts always what appears to him to be wisest and best.—If he credit the designing Knavery—it is not that he loves Knavery but because he sees no better. Open his eyes and he shall see. For such teaching as he now has, which in Politics misguides and enslaves him—in literature demoralizes him—in morals makes him an utilitist—in Philosophy a Caviller—and in Religion a hypocrite—it were well if he had it not. Let him know that God is a spirit, and abhors all worship which is not spiritual and truthful—that the wide world is his Temple, and Nature his Priest—that he is to seek and love God without a Mediator—without

dogma or creed through no other agency than that of a humble faithful and obedient heart—That true Morality is the Law of Duty written in the heart—not expediency, not utility—but the loftiest and most pious action from the loftiest and most pious principle. From such knowledge and action Politics, Philosophy, and Literature will assume a new aspect: will become indeed religious. All things run to the help of the good man—virtue and vice alike aid him—and are made the instruments of his greater goodness. He tramples the evil beneath him and sees good grow out of it. It must be so. Only make men virtuous, and Institute Laws, Society, and all that appertains thereto will fashion themselves after the likeness of these.

Let each man strive, therefore, after Regeneration. If we cannot mould into the divine likeness—the character of a world—have we not a character of our own which we can so mould? Never by whining, and infinite sorrowful wailing over the errors and sins and wrongs of Man, can we help Man! Epical Jereuniads suffice no longer—Epical Action is what we are now most in need of. The great secret of Social Regeneration lies in this Individual Regeneration! Doest thou love thy Fellow Creature? Evince that love by thy own truthfulness and virtue. Being is everything: Seeming is nothing—or at the best, but the Mask of Being. Over one Person, Man has a complete and total influence—That Person is himself! Let him see to it therefore. Twenty Millions of such Persons would make an English Nation!

I would that men might puzzle themselves no longer about religious theories of Regeneration and philosophical discussions, about Liberty and Necessity. Far wiser, were it for them simply to believe in the soul, and to grow without any theory! Still wiser perhaps, to grow without any belief at all—to grow—by abandonment! The Man is there—and the innate faculties of the Man—and if he be true to the light of God, which flashes upon him out of the Immensities—these faculties will develope themselves. Has Nature any theories? Yet behold how magnificent is her developement! The Roses which bloom in my Court-yard have found time to perfect themselves amid the mists,

and chilling damps of this shivering November—yet what do they know of ‘Ried and Edwards’ of ‘Baptismal Regeneration,’ and the like of that? God baptizes them with dews every morning and evening—and beautiful are they, in each successive birth, from the carmine-tinted bud, to the rich voluptuous-bosom blossom. Even in death they are sweet—like the actions of the Just. And so Man if he will know nothing but this mightiest of All Things, that *He Is*, may grow, and blossom, and die, and live for ever.

Let us forget that we have ever heard of ‘Liberty and Necessity,’ and fight the battle of the Gods, with godlike courage and reliance. In despite of this Iron-Demon of Necessity who grinds his Revolutions like Meal-dust, in the great Mill of the Universe—can we not still advance, and falling back upon the Bivouac of Freedom—rush sword in hand to the warfare—and if to destroy him be impossible—is there not such a thing as conquering him? of driving him grim and sulky into his Machine again, and compelling him to grind meal there for *us*? The soul is the Eternal Conqueror. All Physical Elements, and the Laws which they obey—all Thought—nay Liberty itself is the slave of the soul.

How vain, to convince me by subtlest logic—shallow enough—that this Body and spiritual nature of mine—are nothing but a foolish live Steam Engine—belching forth fire and smoke, at the pleasure of some invisible Stoker, who stirs the coals under my ribs!—that man is no more than a cunning piece of fibrous mechanism—a masterous and most perfected Automaton of Trickery—cheated into the belief of his freedom—whilst he is bound by the shackles of a pitiless and implacable Destiny. That Man obeys the physical and spiritnal laws is clear—that motives influence him is likewise clear—but who is he who sits so solemn and austere behind all these pleaders—as the Sovereign Judge of their special talk and solicitations? Are the motives everything and the Man nothing? Who decides between the motives? A soul that loves justice and purity and acts from these high attributes—is free by the laws of God—and is—in so far—in harmony with God, and as it were, a part of Him. It

must ever chuse the best motives—those most in accordance with its own being—and this is the necessity of God himself—which, nevertheless, is the sublimest freedom! To get this love of justice and purity in the soul is the first thing—the possible and most important thing. Truth makes us free—no matter by what necessity. If we have that freedom what need have we to care for Necessity? As an argument Necessity is true—but the Soul gives it the lie. Flashing down upon the motive rubbish upon which it is built—it burns it to ashes—and has marked a fire-track for itself independent of motives,

What I want to shew by all this logical offence—is this—that the Man is highest—and that his freedom consists in true action. Let him live therefore no longer for sensuality and expediency—and call these necessities—but for truth and the soul. Let him believe that no action has any worth in this world unless principle be the father of it. Never let him ask of a good deed : How wilt thou look before ‘my Lord’ or ‘His Grace’—but how wilt thou be before God, and *being*, be judged of by him? What if ‘My Lord’ and ‘His Grace’ scowl upon him therefor? Has he not *his own* satisfactions, springing directly from this idea of Duty? And is he not likewise as good a Man, with as deep a stake, in Time and Eternity—as any Lord or Duke, or Priest or King in the Creation? Wake up, O Young Man, now and evermore to the consciousness of *thy own* Nobility! Thy Ancestor, was also in ‘Noah’s Ark’—and if neither Titles nor Lands be thine—hast thou not the Universe for thy Freehold by the right of Life—and all the stars of God for a Coronal to cap thee, if thou be worthy—and number thee for ever with the Aristocracy of Heaven? If no liveried servants lackey thee about from place to place—bless God that thou hast not that degradation to answer for. If no gilded Chariots abide thy pleasure—hast thou not the use of thy own legs? Did not Socrates ‘walk barefoot’? And now of all the Splendid Murderers who sent him bodily from the world—who survives? Once more I say—it is the force and heroism of individual man which can alone regenerate a nation. Self-reliance is the highest gospel yet preached in this 19th Cen-

tury. Without faith in this no one can make headway. We have relied too long upon the old, for the Old, is now Imbecile—shrunk into second childishness—and delighted only with silver bells and gilt gingerbread. Dotage may have its pap—but Manhood must have its strong meats. Ah, can we not see how Men everywhere fawn and crawl—how they have lost the upright posture of gods—and have taken to that of Basilisks and Toads—vile lickspittles, and gold blood suckers ! To crush the baseness of these reptiles to the dust therefore, I call upon this generation. Some I doubt not will answer, and nobly work to accomplish this—and others will pass on. Yet to these' some' I say—Take Courage—be ye at least men, whatever others be. Fence yourselves about with Knowledge and Wisdom and Virtue and Love, and go through life with the signs and wonders of these, within and around you. Never doubt—never despair ! Truth is mightier than error—and every new Impersonation of Truth—is one more security that it shall finally prevail.

Ah me ! what blind and godless theories, degrade man in all the length and breadth of this far-reaching round-whirling Orb. Profane literature, dead Religions and Machine Priests, convert the world, and the people—into the likeness—not of God, but of the Incarnate Evil One. Grandly does this orb join with solemn voice in the Eternal Anthems, which Sun and Moon, and all the Choir of the Constellations chant aloud—in the vast Cathedral of the Illuminate Universe—whilst we poor puny worms are making discords upon its back ! One would think that we did not belong at all to the severe government which Nature wields, to behold how wild, incoherent, and rebellious we are ! The indomitable Fire-energies of Man are scattered throughout all space. Not only is he not in harmony with Nature—but in the fiercest dis-harmony. In vain do the stones preach—for Man is hearless—and this Highest Intellectual Organization must needs take longer time to discover its own gravity and assimility with the outer creation and with the God of that than the elod from the Peasant's shoon. Madly with closed eyes and adder ears, do we rush from life to death, without knowing or seeing or caring for the 'where-

fore' that we have lived at all. The world has grown old, in the very youth and boyhood of the soul. The scum and spawn of a thousand years—lie rotting upon its dead bosom, and we are content with the garbage which 'Venerable Fathers' and the half insane spokesmen of the early ages of Christianity have left so long weltering in their Divinity Shambles—nay more, we pronounce it the daintiest of food—and cannot see what a miserable ulcerous botch of disease it has made of us.

Yet here in this 19th Century far removed as we are from those early ages—having been burned as with living fire—in the Furnace of Time—and come out thence into the All-comprehending—All-enveloping 'Now,' with an Infinite Army of Pioneers before us, striking boldly hither and thither into paths, untrodden before—shall we not at least take courage and advance with them? Consider well, what sort of a Destiny is this of ours. Is it retrograde or progressive? Look for a moment back into the dim gloaming of the Past—and read there the answer! Painfully step by step does the Caucasian Man ascend up the rugged sides of the Cloud wrapped Rocks—yet surely and bravely does he conquer all difficulties and obstructions—until at last the solid piles are under his feet—and the white Moon-mists far below him,—and the round-full-orbed-sun—floating like an hierolyphic God—in the boundless heavens—welcomes him up thither—and discloses a vast, horizonless, interminable Table-land, before him—full of strange sights, and Existences—a new world—teeming with life and beauty unutterable—with new forms of life—Sphinx-like—Godlike—each to be questioned, and conquered and loved,—and to become unto him, silent loving Brothers—owning his sovereignty. This is the Advance-world—into which the Caucasian Man is now entering—to be one day his by the Might of righteous conquest.

In the face therefore of so much appalling madness as the world of men exhibits—there is yet undying hope alive. Saxon Thoughtsmen having solved their Regeneration Problem and discovered new realms of Thought and new Heavens of God—are here ready to instruct and guide—all who care for instruction

and guidance. Beyond the Adamantine Portals of the Material Creation they have found a Celestial Paradise which is freely offered to all the Regenerate. Therein as we have said the whole Human Race is one day to dwell progressing through all its generations—advancing for ever in holiness and wisdom.

That this state will be the final condition of Man is the great doctrine which is preached by Nature herself. For Regeneration is not a theory but a practice, and the gospel of New life is older than we know. It belongs indeed to the Religion of Nature, and is a part of the unwritten scriptures of God—upon which all the visible, infinite Creation—with its rolling worlds and the changing seasons thereof—is one Sublime and Eloquent commentary.

It underlies the dusk Phenomenon of matter, and is the soul and law of existence. From Eternity it was and is and shall be. Ere man was born into this realm of Time—which was made for him—nay ere the Morning Stars sang for joy over the birth of this Man's world—whilst yet it lay in cumbrous, quick, vitality—folded up in its Red Fire Wrappage—in the womb of Immensity—before even a World was—did this Regeneration Law pierce through the brooding Chaos of Matter—forming and re-forming—until all the galaxies of Heaven burst into light. We stand indeed upon a fact which covers this deep primal truth—day by day. The surface of the beautiful verdant earth—with its Cornfields, Pastures, Woods, Towns, Cities, and Men—is but a painted Pall over unnumberable dead generations—an hieroglyphical Apocalypse of Regeneration —of new life for ever.

Here is a summary of the Earth's history. There is first a fluid mass of matter—consolidated anon into a hard Ball—bare and black, and burning in the sun's fire until the ages necessary for the production of vegetable life have swept over it, and fled away like shadows. Then there are other intermediate states through which it passes—organic life appears—and Monstrous Creatures slowly roll their dusk Forms into the Twilight World —adapted by their conformation—to its humid and marshy condition. Another long pause succeeds during which the Invisible Regenerative Forces are at work to bring about a higher and

more perfect existence—and at last when the hour is ripe, Man is ushered upon the scene and takes his place at the head of Creation.

In this short and imperfect sketch—a Seeker might discover Man's history and mission and destiny shadowed forth. It is wonderful not only what a great 'family likeness' there is in Nature—but what a great likeness there is in all her processes and workings. 'Creep first and then go,' is the philosophy which she proclaims in all her doings. By slow grades of magnificent march, she accomplishes her purposes. Was not the Earth—as we have shewn—once a Child, wrapped in swaddling Clothes, and lying in the Manger of the Stabled Heavens? In riper years did it not find that it had brawny sinews, and muscles, and a race to run over the starry courses? Girded with a mighty Ocean-belt—over its strong Mountain-ribs—with the fire-blood bounding in its veins—did it not run? and has not this same Child become an acknowledged Giant of some weight and influence in the Astronomical Calendar?

For Man also there is a race to run : of a different kind truly : but a most noble and heroic race! Once born here, and behold what new relations are in being. The Spiritual world—of which the material is but the shadow, comes forth like a solemn Bride from the Garden of the Lord, and celebrates her nuptials with the Material—on Man's natal day. The experiment of an intelligent creature—in whose soul all Nature lives in miniature—has come to be tried. It seems as though all the Fore-Revolutions of this mysterious Nature—were but means to the great end of Man : as if all her efforts were directed to him—as to a centre—which when once reached, should be left, so to speak, to its own reaction. Thus for ever does the Human Soul put forth its supreme powers—and every achievement thereof is a spiritual extension of the Material Universe. Every new idea, is a world, wrung from the visible Creation, and added to the invisible Kingdom of God. There is always this tendency in the soul—to perfect itself—and advance beyond the regions of time and space, to career with the Immortal Presence. So that Man seems as if he

were after all, merely sent here to herald a grander spiritual development—as if Nature were struggling through his soul for a wider life :—For the soul begins its ideal sway, where Nature stops her in the Actual—and fills the whole vacancies of Heaven with the shadows of her vast continuance. Let God speak, and those shadows shall become frozen realities.

The Spiritual wisdom of Man is already contained in the Symbols of these outer worlds. Every object is the key to some hidden knowledge of the soul. The Material history of every human thought is inscribed in the solid rocks, the landscape, the winds, and the sea. Behind Nature is God—on this side Nature is Man—reflecting God back through Nature—his corporate substance. And these three, are one and indivisible. The Causation is endless—no Man can tell whence it comes, nor whither it goes, Unlike and yet alike, are the Pervading Deity and Brute Matter—and Articulate Man: the fiery Magnetism of Thought pierces through the contradicting appearances and unites them all.

Already in the soul lies the boundless All! Poetry, Music, Religion, Art, and Science, Increase are they—not create. Nature is but the teacher and developer of these. Every thing that comes from a Man comes from his Aboriginal Being. Deeply it lay there abiding its time—waiting until the accordant finger touched the string—which hitherto was so mute, yet now on a sudden, so wondrously musical!

We might deduce perhaps from these sayings if there be, as is earnestly believed—a sound whole truth—in them: That Regeneration has a large and altogether, an infinite significancy: That it embraces the entire Universe and is the main proposition of the Universe—worked out there with an omniscient wisdom even to the remotest bearings of it. To us it is a matter of the first importance. How we may perfect ourselves in all thought, wisdom, and love, and become truly Regenerate is just that thing which we are here to answer. We have seen in a very rapid—jumbling way how widely at variance are Men and Society with the truth—and yet how certainly they are approaching towards it. Hitherto we have spoken of Regeneration—more as a fact readable

to all—than as a doctrine unravellable to all. In dim hints and suggestions up to this point is the whole Argument dotted. Yet now, if it be possible, I would fain speak of it as a problem affecting Man—solely—his nature and destiny—not only shewing what Regeneration is not, but what it is—and how it is to be wrought out in Man. Herein lies a great task, which I cannot hope to perform successfully and entirely—but which I will nevertheless essay to perform according to my faculty.

Regeneration then as already stated is the Life-problem of Man. Man is born into this world to grow not to remain stationary. From his birth upward he is a progressionary being. The laws of life compel him to advance: or if he will sit down upon a given knowledge and foolishly resolve to move no further—he becomes a clog and an insanity. He does not resolve his Life-problem but breaks down upon the Pons assinorum, and already is he transformed into the likeness of that genius of the bridge. There are two states in which a true man must live and out of which he must pass: These conduct him into a third wherein he must abide—still advancing. They may be named the State Sensuous—the State Understanding—and the State Reason.

I cannot forbear, here, however, before proceeding with this subject to speak upon the condition of Childhood. Properly indeed, it may, and does—rank first in this argument. It is a beautiful and wonderous subject, altogether worthy of a deeper investigation than any with which it has yet been honoured by philosophy. The awakening of a young soul from its soft slumber in the arms of Eternity—amid the dreamy music which drops from the golden fingers of Nature—in the dim religious Temple of Time—this soul also incarnate in a new form through which as an instrument—it is one day to preach there in that so solemn Temple—is indeed matter enough for thought!

To my mind Childhood has ever covered the last truth of the soul. It is a condition of happy obedience and abandonment. It implies and dimly shadows forth—the last height of the soul. It is a miniature picture of the fabled innocence of Man—a type also of that possible perfection which the Prophets, and Poets of

the world, have so often proclaimed and sung. How great and noble a being might be made out of the materials of Childhood. How certain is it if the Life-problem were fairly and fully wrought out from this premise—that the great and noble being would start grandly out of the concluding demonstration—and would in truth be the demonstration. I dare yet to hope and believe from the truth and purity of the infant mind that Man shall yet live again in Paradise.

Every heart loves a Child—every bosom throbs with delight over the guilelessness, and affection which it displays. How gentle and confiding is it—how joyous and rapturous—how exultant of the happy life which the good God has given it. It lives with the Angels all day long, and closes its sweet eyes at night to their soft singing—meeting them again in visions of the peaceful heaven. As yet it is a true child of Nature—and feels safe and happy in her loving arms. Its companions are the flowers and the trees—the birds, the brooks, and the green grass of the sunny meadows—and its little fluttering spirit is so bathed with the element of love—that all creatures and things partake of its beauty—and the child and them become one and the same being.

It is this mystic marriage and union with Nature which we all feel to have been ours in Childhood that makes us cling so fondly to the associations and feelings of that happy state. It is because we have experienced the deep unutterable joy of communion with surrounding intelligences in simplicity and truth—without let, or hinderance from Sin—that we all desire in some moments of our lives to be once more a child. Can we not rather however, call back these departed gods which attended us in Childhood and beseech them to guide us now? That were a far wiser, and more practical thing—if we could only shew ourselves worthy! For the Child is heaven's especial favourite—and might in very truth, be translated into Heaven without death—at the end of a long life—not in Skiey Chariots of Fire—with seething wheels flinging off sparks—like chaff from the Threshers Flail—its ruddy track above mirrored in the Ocean deeps below—but gently and

softly translated, amid the music-breath of winds—save only for this one opposing fact—that we take such pains to mar its divinity and deform its beauty. Ah happy Childhood! sweet life spring—alas!—to a weary Summer—and a chill, shivering, unblessed Winter. And Wherefore? Is it a God's cheat—and bitter sham of promise them? O believe it not. Childhood is a bud, which the Summer, and Winter of life are to unfold in its original purity—That is God's meaning. Who amongst you will accept it? Who has faith enough in God to dare, as much as in him lies—to watch and cherish the opening of this bud—to feed it with sunshine and dew—until it blossom with immortal beauty? Nay—who will dare to accept this truth *himself!* and begin even now, how spattered soever with sin—to grow with all his faculties—henceforth with God?

Blessed is he who sees into the mystery of Childhood, and through it—into the mystery of life. Let us guard against evil, and all obstructions to our perfect developement. The first state of Man in its innocence and foldedness should be the exact counterpart of his last state—that is he should preserve his innocence through all the progressive stages of life—and the soul should realize in its maturity the happy heaven, which childhood shadowed forth. Knowledge has been called sorrow:—but O it should be called sacred sorrow: sorrow which exalts and onnobles—not dissatisfies and degrades. For Knowledge is the Bible of the Soul—intended to comfort Man in all his ways, and conduct him to immortality. Insensibly does God trace his Ciphers in these leaves: There they lie in beautiful illuminations—even now for Childhood itself to read. Not for ever in sunny dreams must the young soul be wasted. It must try its wings and soar—and burn, and fall and rise again. It has a mission here. Cast by and by into the deeps of Thought it must struggle there for life. It must master its own riddle—that being its mission. Childhood is always in union with Nature—and floods of joy flow through it for ever. Dim Intelligences, hover about it—and speak to it in soft whispers—and there is wonder born there, out of the earnest eyes of the child, goes forth the first dumb

question—the ‘quid nunc’ of the soul—into the deep creation. But not yet does it lay hold of its immortality—not yet does it feel that it is ‘somewhat’—a consciousness—whether it be disease or otherwise—upon which vast interests hang! Some men can date their immortality to an epoch. I also mine. Well do I remember at this age of six, standing by the Water-pipe in my father’s yard—close to the wash-house—the women washing there within, and gabbling after the manner of washerwomen. It was a fine bright day in the month of June. I had come up from the garden—and leaning there against that blue painted pipe—looking into the cloudless heavens—the thought of Eternity came over me—rushing with such mighty fire-wings—that I grew sick and faint—and then was carried away with it into the boundless Universe—and I felt that Eternity was in me. So was my Childhood broken up—so was I regenerated and born again out of that first state into the state of Consciousness and Thought—and up to this time, into how many other states also!

Childhood then precedes that state which I have called Sensuous. I cannot speak for it fully—but I know it has a meaning far deeper than Sense. And although I have divided life into three regenerative stages, I am not ignorant, that Reason is continually active through them all: but not until after a long struggle does it gain its rightful supremacy.

By the term Seusuous, I do not mean gross Sensuality—but a cleaving to the things of sense—in ignorance of a higher state—as if the ‘senses were final’! This is the first absolute condition of every man, and it is, indeed, a beautiful ordination of God that we should primarily live for the senses: For herein we become educated to their law: which law is the base of all knowledge. In youth we are ready to grasp at all sensual sweets—we do grasp them, without seeing the god, who nevertheless makes us pay the penalty of our temerity. ‘Take and pay’ is our first lesson: Take being often very dear: but not too dear if we learn the lesson well. Very late do we see that debt is misery—that it is better at all times to work with our own hands, and with what appliances we actually have—than to go borrowing of our

neighbours. The debt which we pay to Sense, however, does not beggar but enrich us. We are indentured to him immediately we wake up to consciousness—immediately after Childhood ceases to be a breath of God : Bound to his service for a longer or shorter period according to our own faithfulness—our own faculty to perceive that we have served him long enough, and now need a higher Teacher. The World is our Workshop, and Man, and Woman, Rock and River, Landscape and Forest, are the Materials upon which we labour. At present they are but materials. and rudely enough do we set to work upon them. By and by, however, we come to see that these materials are girt about with invisible laws—and that if we are to honour our bond—to *make*, and not insanely to blunder and do nothing—or worse to perpetrate deformity, that we must even find out these laws and work by them. This knowledge always comes first: being an induction from the Plain and Palpable. Hence it is that Sense has such true servants—that he has Priests and Temples also (Arkwrights and Cotton Mills) devoted to his honour. Honour also to them ! Behold what magnificent workmen turn out in all ages from this service See the Pyramids, Obelisks, Forums, Ampitheatres, Monasteries, Cathedrals, Churches, which they build. What Commerce they make—what ‘Steeple Chimneys’ they erect ! what Manufactories, Blast Furnaces, and all imaginable materials of Iron, Copper, Gold, and Silver they fashion and cement together—Do they not learn by experience in this Sense-service, in this world-workshop, the whole doctrine practical and theoretical of Physics ? And, alas, do they not live—very largely at least—through all their lives in the theory and practice of Physics ? these only ! Ah unwise workmen ! ye are but figments of the Regeneration Problem—not yet over that Bridge of Asses !

Life looked at through the eye of Sense, is a mere Comedy wherein Pain and Pleasure act as the Buffoons of an hour. To the young unawakened Man, it seems as if nothing were worthy but sensuous enjoyment. He is quick with so much animal life, with such keen sensations of animal delight—that he cannot hold

himself. In his crude philosophy Pleasure is the Angel to be wooed, and Pain the Demon to be avoided. But presently he discovers, that Pain is the shadow of Pleasure—and that Pleasure itself is a Phantom—or at the best an illusive seducing Syren, charming the unwary to seek repose amongst the roses of her voluptuous bosom, that they may wake up and find her a corpse of ashes. And by such process does the work of Regeneration begin. Tough and terrible are the spiritual laws. The senses are good and wise servants but bad masters. These penalties which are the dues of Sense, are likewise amongst the means, which Nature employs to develope within us quite another faculty than any mere outward one—viz, the Moral Faculty—and then we are born into this state of the Understanding. We comprehend the meaning of Nature, in attaching punishments, to infringements of the laws of Sense—and see that it is to wake us up to the Right and Wrong of the Universe—as it stands related to us by the laws of our constitution: for if Man were not, there would be no Right and no Wrong—the Universe obeys!

Painful disquisitions have been written upon this Moral Faculty! I see no need of it. It gradually unsfolds itself as the Man advances. It lies in the Man already—and if he take heed to his experience—it will one day perfect itself. True it is that Right and Wrong are very different in different minds—but that alters nothing. He who lives wisely and truly—who opens himself to the in-floodings of God—who dwells not in the Senses, and looks beyond the Understanding, has the clearest insight into Right and Wrong—another Man who stands below him, has a narrower and more lax knowledge.

The Sensual Man, must live for the Senses—and this as we have said is the lowest state—yet by no necessity of the constitution is one bound to dwell there. Unhappily however the great mass of men do dwell there. Flashes of glory break over them ever and anon, but alas they come and go unheeded. Men are prevented from progress in most instances, by the mechanical disposition of Society. Society requires that they should be educated to the laws of Sense—but for any higher Education it cares

not—witness the government grant of £30,000 per annum, to educate twenty millions of souls—all alive too ! Society needs slaves : Farm-labourers, Artizans, Jewel-fashioners—Brokers, Merchants, Tradesmen : and these cannot have too pliable a conscience—or too little spiritual knowledge, What has spiritual knowledge to do with Trade, or Labour, at the rate of eight shillings per week ? You must give the spirit room to expand, or instead of a god, behold a pigny and a deformity ! How should he get his moral faculty developed who lives by lying and fraud ? Poor Sensuons—Understanding men—what help is there for them ? Their very atmosphere and heaven being sense—sense only—the Understanding acts as Priest to them and proclaims in dull, uninspired words, that sensuality is the highest good. Their right or wrong is the getting or not getting of money. To the worship of this Infernal Money-God are they doomed. A Coach and livery are their Ten Commandments : Moses and his Decalogue—a Jew Showman and his Show.

I do not wish it to be imagined by these sayings that the Senses and the Understanding are despised by me—but on the contrary that they are valued highly—as the necessary progressive stages through which every true man—as was said before—must pass in order to his complete regeneration. It is the miserable *abiding* in them which is here condemned. For great as is this faculty of the Understanding—it is but a poor light and guide of itself, and in the Temple of Eternity shrinks into a jet of blackness—amid the blaze of God's glory which shines there. It is too much concerned with Arithmetic to know God—even to know the spiritual nature which lies behind it—all undeveloped ! Men foolishly imagine that College Education—and a thorough mathematical discipline of the mind will fit them to live and to act aright—that these things are indeed All-sufficient. That they—or such like training as they offer may be necessary—I grudge not to allow. But a wretcheder rubbish discipline than this—as a last and final one—could in no wise be conceived. And yet this is the very discipline which all our young men receive. They are taught that the Understanding is the holiest faculty—and Lo-

gic the acutest servant thereof. A dry, prosy, formless, soulless, demonstration, is the education of men. Who can stare and growl, therefore, over the deadness, which men exhibit? Who can wonder, that enthusiasm, and piety, and love, should have no longer any influence in the world?—that Religion and Virtue, and even God himself should be reduced to a mere balance of Utility?

Alas, the thousands, and tens of thousands, who abide here in this state of the Understanding are a fatal sign: indicative of horrible soul-paralysis and death. Herein lies the secret which unriddles the mechanical spirit of the age. Man is now become, *himself*, a machine—having no faith in any thing but what he can grind into demonstrations. God must be *proved* to exist and broken bone by bone, beneath the wheel-cogs of Logic—or he is not! Truth must be dissected piccemeal and found to be *useful*—shewn to jar not with personal interest—to clash not with the good dinner, and the warm bed—or truth is an inexpediency—a lie! If one dare in these Understanding, Utilitarian days, to maintain that Truth is truth indeed—and must be cleaved to—at all hazards as the only sheet-anchor of God and Man—he is called an ‘Utopian’—told he ought to have lived a hundred years hence; & I know not with what other false twaddle & hypocritical sophism he is assailed. But who knows not that is to hide their own grovelling selfishness—and wicked succumbing to ease and pelf that he is so assailed? Ah, that men would cast their rotten calculations of expediency to the infernal devil—once and for ever—and stand up for this despised Truth? That they would no more sell their votes—their consciences—their very souls for Farms, and Houses—but take up their ‘cross’ and dare in the face of a sunk and degraded world to ‘worship the great and transcendent Soul.’

Yet this state of the Understanding is the second state into which, as we have said, every true man is born, and out of which he must pass. English Society is now struggling in it—and let us hope through it. Society has assumed the proper forms of this state—which no earnest progressive man, could assume.

With him it is a solemn period of Trial—of Doubt—often of Despair—but likewise of heroic courage—in which he gives manful battle to the Evil One—and if he be cast down it is only that he may ultimately come off more than conqueror. I can speak my own experience on the matter, and tell how all these grim devils of Necessity, Atheism, Materialism, stood in array against me—armed to the teeth—and I also armed—resolved to fight them to the last, and wrench from them what lesson and truth they contained—in spite of their fiery savagery. It was a tough contest but happily a successful one. I also was doomed to question—to understand—and had my own Logic Mill withal, and a power of fine conceited logicians always at command. By much thinking, and by the developement of a certain faculty of poetry which lay hitherto dormant in me—and then by deep meditation under the stars of heaven—in the old Forest—in my own chamber—I gradually woke up to higher truth—and inasmuch as the wisdom was God's—not mine—I may say wisdom also.

To such waking up every struggling man must eventually and inevitably come. For the Understanding is only a transition state—noble enough—and ennobling if we fight well through it—but not the noblest! We can never perceive and vitally love truth by any mere effort of the Understanding—Truth is always a revelation. By too much—and too subtle questioning of Truth it evades us—and flies away as with the wings of the morning. By the very fact of our questioning we shew that we are not yet in a fit state to receive it. One thing however may be remarked here as indeed remarkable—that no sooner does Reason dawn upon us—and we lie softly and confidingly on her beautiful and awful bosom—her own recognized child—no sooner are love and faith and trustful reliance, born in us—than those truths which were before hardest and most irreconcileable to us, are now beheld clear and transparent—like reflex images in the mirror of God.

What is necessary therefore to the complete Regeneration of Man is this—abandonment! Let him have faith in the Infinite—and not painfully strive to make God a mathematical or logical sliding-scale table—Let him learn to love—to believe—not blind-

ly but grandly like an angel. In these elements his soul will expand and grow for evermore. He will become—what every man should and may become—a Priest of the Eternal God—a Poet of the Religion of the Universe. He will then comprehend the immeasurable depth of the love and truth of Jesus—he will see in Christianity not a thing to be despised, but a perpetual anthem to the majesty and infinity of the soul. He will discover the meaning of Jesus in his stern inculcations of truth—of new life: He will see how a man to be born again—must give up sensuality and all uncleanness—and must be quickened by the influences of this divine Reason; which are the aspiration—the 'grace' of God.

When Men and Society shall have passed from that state of the Understanding to this of the Reason—then will burst upon the world the actual of that ideal Millennium which Jesus and all the World-Prophets have predicted. Many ages may yet go muffled and silent into the graves of Eternity—and repose them there under the shadow-wings of the Past—ere this reign and jubilee of the soul shall transpire—but assuredly it *will* come—this beautiful rest! After so long struggling with his destiny—Man shall at last conquer. *Was Jesus not?* and may not all men become like unto him? Once again I say—Individuals must regenerate Society! A mighty truth—almighty! which now for the last time I beseech men to ponder.

In conclusion however I would say that a great work lies before us, in removing the evil influences which now so banefully operate upon society. Scarcely may some of them be so much as alluded to here, yet there are others of so gross and degrading a character, that it would be worse than wicked not to pronounce and condemn them. These belong to literature! Miserable to think of it—that this Press Engine—second to nothing in point of godlikeness, save to Christianity alone—should be abused into an instrument for the propagation of infamy and error—of licentiousness and the basest immoralities—Yet the fact is so. Penny Trumpery in the shape of Amusement Sheets! go forth as weekly Missionaries of the Devil—defiling thousands and tens of thousands—the Public Corruptors of Youth—and the destroyers

of all virtue, integrity, and religion. Vice in all its forms is there presented, in colours, and dressings, most likely to prove attractive to the vulgar and the ignorant: and the seed thus sown, silently and surely germinates and grows—producing fruits of crime, dishonour, and blood. Numberless ‘Athenaeums’ ‘Athenic Institutes’ and the like—with their books and tracts—are loudly cried for in these days, to stem the torrent of licentiousness which foams over the framework of society. Honor to ye ‘Young England’—Honor to Manchester! that with brave effort and noble aim—ye stand out there to fight for Education and to give the people ‘Bread of Life’ instead of this horrible Bread of Death.

For now truly in the midst of these vast evils, which we have slightly intimated in this paper—these Idolatries of Wealth, Harlotries of Pleasure, Unbeliefs—Doubts—Scoffings—Denials Philosophies—Religions—so-called—and Morals, so-called, there is clearly springing up light and knowledge—Men indeed who are devoted body and soul, to the communication of these. Out of a flimsy sham literature, and a base one—there is bursting forth a sacred flame-writing, kindled from on high. Truth, and Man-worth, are once more preached here, with deepest earnestness, and enthusiasm. To Man himself is pointed out that ‘ever new and living way’ by which alone he can travel, to happiness and heaven. No longer in the nobler walks of Literature are Novel-writers and Spectral-Apparition-Ballad-Mongers tolerated. Sternier and grander day by day are the aims and objects of this true Literature become. With false picturings of the Ideal, what have we now to do? The solemn and necessitous Actual lies before us! a far more worthy and important consideration—a *real* Romance and Ideality—with living Men for Actors, and the passionate fires of Love, Hope, and Aspiration for tongues: And alas, underneath these—Hunger-Throats, gurgling in death agonies—and painful voices, crying aloud; shrieking upwards thro’ the crannies of their dark lazarus-house of woe, for work, for knowledge, and for guidance.

The hope of Man, long since frozen to despair and hopeless of

Regeneration, from the pulpit—usurped as it is by blind Evangelicals, and Formalists,—revives once more, under the sacred banner of literature. Religion itself forsaken by the Priests, has taken refuge in the hearts of the Poets—and proclaims as it were a new gospel from their mouths and from those of the Prophets, and Evangelists of the Press. Few in number they may be, but growing daily more numerous, more pious, and more devoted. When the Press was not, the Pulpit served. But now the meditative servants of God, floating deeper and deeper into the infinite—find no room in the Church, and can speak only through these Black-letter symbols. The true Priest, is gagged in all temples, save in those of Nature, and Books—and even in these last, they must often preach Jesus—like in Parables! Sad is this speaking—sorrowful the facts which it embodies! But what is the sum total of all Priest-preaching in Churches? Are not the Priests themselves, special pleaders, retained to conduct a case of Beliefs? What realms do they break up in the untrodden universe of Thought? Alas! what can, or dare they? Miserably chained to traditions, scriptures, systems, they advance not at all—but cling to the dead, as if God's soul were confined there! To Preaching nevertheless we owe much—how much *more* might we owe? and to Literature our debt is, even now immeasurable—and one day it will take hold of Eternity.

We need a Censor-Public to put their 'Imprimatur' upon all books. The Literary Man should be the holiest of Priests, for his influence is boundless and measureless. The 'Responsibilities of the Press' were a subject well worthy of thought and publication, and rightly treated, might effect the highest good to society. If for every idle word, we must give an account, how much more for every profane book! Propagative, diffusive, endless, is all thought. Floated into the literature of time—what souls does it ennable or contaminate. Wo to the Contaminator! Wo to the moral bankrupt who passes his worthless paper rags for true note-currency. Alas, what moral beggary even now lies weltering in the Cottages of the Poor, in the Mansions of the rich, engendered there by these bankrupt speculators! Byron,

raving insanely, with bursts of God's music between whiles—deifies Lust—and exalts Harlotry unto the queenly throne of Poesy—infusing morbid passions, and misanthropic poison into millions of bosoms, which might have heaved only to the songs of virtue and have vibrated only to the melodies of heaven. The Priest's occupation is indeed fled whilst this miserable 'Lord George' can fling his baleful enchantments, over the land, none daring to make him afraid—none venturing to assume the office of the godlike, and dash his trumpery magic back again into Primeval darkness.

No man of this century has exercised so unhappy an influence, over the national mind as this fallen Archangel, who stood as it were amidst the gorgeous ruins of heaven, a self-proclaimed Rebel and defier of the Infinite. Yet even he, not without his grandeur and prophesies—not without glimmerings of truth; but pale and evanescent; dying out—and, for him—perishing—after the God had abandoned him once more. Earnestly struggling onward, nevertheless, he gave hope of better things—but the Night of Death came, and froze for ever, all his glittering signs, in a wild firmament of gloom.

From such like starry influences, it is the office of this age to deliver Man. With Geothe's, and Carlyle's and Emersons, for Propogandists—what were a whole host of Byrons, and Moores, and Owens; of Paines, Diderots and Voltaires. 'Young England' itself if in action it realize its profession, were more than a match for these and such as these. For the day of excitement, & rabid bellowings, against Fatality and Necessity—against Virtue Religion and God, is well nigh passed. Men stand now awaiting—ready to receive, the revelations of Truth, and Duty—anxious to progress, and no longer to remain idle and stationery. To Literature therefore, more than to any other oracle, must we look for the words, that shall Regenerate Man. Literature is now to become the medium of the highest teaching. The Vulture must no longer prey upon the vitals of the bound Prometheus—but unbound, he must come down from his icy Caucasus and destroy the Vulture. He must become a Temple of the living God—each man must become that: and do and dare, that only which becomes a Man. O Brother, shaffle no more! but act! Work out thy own salvation; for remember it is thy Life-problem, given thee so to work! What boots it to thee or to me that men patronize the Devil, and his works? Two notable Infinities are here—these namely—God and the Soul. For us, if we would not miserably perish, these are the only realities. Fear nothing therefore, for the issue of a life, devoted to a knowledge of life—and a love of truth and God—for ye only shall have joy—ye only shall survive.

Sherwood Forest, December, 1844.

CHARLES PLUMBE, PRINTER, SUTTON-IN-ASHFIELD.

VENTILATION.

A REPLY

TO MISSTATEMENTS MADE BY

“THE TIMES” AND BY “THE ATHENÆUM”

IN REFERENCE TO

SHIPS AND BUILDINGS

VENTILATED BY THE AUTHOR;

WITH



*A few Remarks on the opposing demands, in respect to Ventilation,
of different Constitutions.*

By D. B. REID, M.D. F.R.S.E.

ONE OF THE COMMISSIONERS APPOINTED TO INQUIRE INTO THE STATE OF LARGE TOWNS
AND POPULOUS DISTRICTS IN ENGLAND AND WALES;

FELLOW OF THE ROYAL COLLEGE OF PHYSICIANS, EDINBURGH;

HONORARY MEMBER OF THE IMPERIAL MEDICO-CHIRURGICAL SOCIETY OF ST. PETERSBURGH;

FORMERLY VICE-PRESIDENT OF THE SOCIETY OF ARTS FOR SCOTLAND, AND

SENIOR PRESIDENT OF THE ROYAL MEDICAL SOCIETY OF EDINBURGH.

“Audi alteram partem.”

LONDON :

MADDEN AND MALCOLM, 8, LEADENHALL STREET.

1845.



ADVERTISEMENT.

THE object of the following pages is to correct several of the extremely inaccurate statements of the *Times* and the *Athenaeum*, regarding Ships and Buildings which I have ventilated, and to repel the unfair and unjust aspersions they have been pleased to throw upon me. Perhaps, in themselves, the attacks of these journals might not have required any notice, but there is so much misunderstanding prevalent on the subject of Ventilation, and the ventilator has to encounter such formidable difficulties, and frequently opposition, in his endeavours to improve the notoriously defective arrangements for preserving the atmosphere in buildings in a wholesome state, that it is very desirable that some of these difficulties should be made known. It is intended that the following pages should supply an explanation of this kind; and at the same time, show the very great carelessness, to say the least of it, exhibited by these two journals, in what they have put forth on the subject.

The structure of buildings designed and erected without any adequate provision for regulating the state of the air, the limited extent to which Ventilation is understood and appreciated, and the unwillingness to take up new ideas and modify former practices are very serious obstacles to efficient Ventilation. Moreover,

extravagant expectations of what Ventilation should effect, and a total neglect by each of the consideration that his neighbour may have a constitution which demands an atmosphere of a totally opposite quality to that which he finds agreeable, are frequent sources of very unreasonable dissatisfaction, where special zones of modified ventilation for benches or individual seats, such as have been used for many years past to meet extreme and peculiar cases, have not been authorized, or considered applicable.

To this brief allusion to some of the most formidable difficulties which impede the progress of Ventilation, I have only to add at present, that there are various works attributed to me of which I have no knowledge, except that the projectors have stated that they had adopted my principles, though, on a closer examination, they have admitted that they neither consulted me as to any details, nor gave me any opportunity of knowing their proceedings. In other cases complete ventilation has not been demanded, but only a certain amount of relief from admitted evils. Neither have I ever as yet had the opportunity of having my plans applied, either in Ships, or Buildings, not merely constructed but designed *ab initio* in reference to them.

With these remarks I place the following observations *in the* hands of the public, satisfied in leaving it to them to decide as to the justice or injustice of the attacks that have been made upon me, and whether I have deserved that opposition and unfavourable representation which have been so freely accorded to me by the *Times* and the *Athenaeum*.

A R E P L Y,

&c. &c.

THE TIMES.

DURING the last twelvemonth, the *Times* newspaper, in leading articles and otherwise, has thought proper frequently to comment on my plans of ventilation,—to denounce, in unqualified terms, my whole system,—and indulge in personalities and imputations of unworthy motives against its author. Had this Paper, in its remarks on the subject, confined itself to an accurate description of results, to statements of *facts* regarding the feelings of those who frequent the apartments I have ventilated,—to faithful reports of what has been said in discussions on the state of the atmosphere in public buildings of which I have the charge, or had it entered on fair and legitimate criticism on the question of ventilation as a topic of general interest,—there would have been no occasion for complaint on my part. But the writers in that Paper, without the general or special knowledge essential for forming a judgment on the question, without inquiring whether the matter complained of was the result of my *system* or not,—without knowing whether or not I was in any degree responsible for the *management* in the particular case referred to,—have blamed and abused me for every instance of dissatisfaction with the state of the atmosphere in the Houses of Parliament and their Committee Rooms, have seized every occasion to attack what I have done in other places which I have been engaged to ventilate; have again and again recurred to the subject with a pertinacity and in a spirit shewing a determination to do all in their power to injure me (whether on their own account, or as the tools of others, is a matter of indifference); and have used their great influence most unscrupulously to denounce my system, and traduce its author. And as, in the course of their repeated attacks, they have stated many things calculated to support their own asseverations, and injure me, which are utterly opposed to the actual facts of the case, I feel called upon

to exhibit a few of their misstatements, to undeceive those who may have been misled by the reckless assertions in a leading journal so widely circulated, and to show what value is to be attached to its representations.

That the position of the question may be more clearly seen, it may be proper to premise a few explanatory observations.

While architecture has engaged attention from the most remote antiquity, and monuments of ancient days record the skill, the ingenuity, and the untiring zeal with which it has been prosecuted, even since the earliest periods, both as a science and as a practical art, the data essential for the right development of any system of ventilation did not exist till modern times. The constitution of the atmosphere,—oxygen, carbonic acid, the nature of combustion and respiration, the mutual penetration and diffusion of gases, the insensible transpiration from the skin, the action of the organic effluvia from the body in oppressing the system and even exciting disease, and the influence of the state of the air as respects its dryness or moisture,—are discoveries of recent years, most of them not later than the close of the last century, some of them not yet perfected, few of them generally understood or appreciated. Aerial agents, having in their control life and death, health and disease, comfort and oppression, floated almost unknown around the person, their power being neither fully recognised nor rightly understood. Parties are still living who recollect the day when the House of Commons was heated from time to time by open braziers, the carbonic acid from the burning charcoal mixing directly with the air of the apartment. The great extent of the diversity of feeling among different individuals placed precisely in the same circumstances, or even in the same individual, while the atmosphere around him is unchanged, has only recently been developed.

In public halls, as well as in private dwelling houses, heat, impure air, and chilling draughts, are constant sources of oppression and discomfort; and, over and above these temporary evils, are frequent causes of disease, even to those who are enabled to live well, in the superior class of houses, and in salubrious situations. On the large scale, and in extreme cases, fatal accidents in mines, ships, and factories, the Black Hole of Calcutta, Black Aseizes, hospitals with constant erysipelas and gangrene, fevers and plagues in cities, scrofula and endless varieties of cachexia connected with imperfect drainage and insidious exhalations, and, in too many places, a fearful rate of mortality—have been distinctly traced to an impure atmosphere, and evince very strikingly the necessity of attention to ventilation.

The magnitude of the question, and its importance in all circumstances and at all times, can only be fully appreciated by considering practically the relation of the atmosphere to the human frame. A

large portion of the disease to which humanity is subject may be traced to the action of impurities in the blood, which exposure to fresh air would remove or destroy; and as a means of arresting various trains of disease, not excluding fever, in certain circumstances, no power, perhaps, gives such control over the human system as artificial arrangements for the rapid aeration of the blood, combined with the application of dry, moist, or other artificial atmospheres. About twenty times each minute, twelve hundred times each hour, or upwards of twenty-eight thousand times daily, each individual requires a draught of air, which is conveyed directly to the blood by the lungs, whence, through the medium of the circulation, its influence is transmitted to, and its condition affects, every part of the body. The value of this beautiful provision is materially lessened when, instead of the pure, fresh, and wholesome air, so profusely supplied by nature, an impure pabulum is substituted. We know that the air returned from the lungs is poisonous; that the atmosphere is rendered unwholesome by many other causes besides respiration; and that, in the open air, the laws of nature ensure a rapid removal of noxious gases and exhalations, and yield abundant supplies of air in a proper condition for its great function of purifying the blood. We know that the operation of these laws must be materially checked when people shut themselves up from the external atmosphere, and remain for hours in small or crowded apartments;—and, in the various instances given above, we see the results of departing from a state where natural causes operate efficiently, and neglecting to provide for their lessened action in our artificial arrangements.

These considerations, and special observations in all classes of habitations, public buildings, mines, ships, manufactories, and hospitals, led to the conviction not only that the power of a pure atmosphere in ministering to health, strength, and length of days, was still practically unknown to the great mass of the community, but also that the quantity of air requisite for ventilation, the variable demands of the same constitution, and the appliances by which a right supply ought to be provided, and its action modified in complicated structures, densely crowded apartments, or where peculiar operations rendered great attention to ventilation imperative, had not been made the subjects of precise experiments to the extent necessary to give just views and correct practice. Different forms of apparatus were accordingly prepared, in which hundreds of individuals were successively placed and subjected to the operation of various but precisely measured supplies of air, under endless varieties of circumstances. Apartments were constructed where ascending and descending currents were used alternately upon individuals, and numbers varying from two to two hundred and forty. The influence of products of combustion from lamps, candles, and gas, was controlled by exclusive ventilation; and the air-channels

were so formed as to receive any admixture with steam or other materials calculated to affect the air, and, when required, even to impart to it the character of an artificial or medicated atmosphere. From these experiments and observations, and from the general progress of knowledge in this department, as well as from the personal examination of numerous houses and buildings, both at home and abroad, and the daily returns of the ventilation of the Houses of Parliament, the following conclusions have been deduced* :—

1. In all systems of ventilation the introduction of fresh air from an unobjectionable source is the first desideratum,—an object still, in innumerable instances, much or altogether neglected, and not unfrequently, in particular districts, almost unattainable until proper cleansing, drainage, sewerage, and perfect security against the exhalations from sewers, shall have been provided. It will be obvious accordingly that effective drainage and cleansing form essential elements of good ventilation in all crowded districts: at the Houses of Parliament, at an hospital in Lambeth, as well as in other places, the control of the atmosphere from drains formed an important object of attention, though as yet little general progress appears to have been made in the ventilation of drains.

2. The amount of air required for maintaining health and comfort is far greater than has been commonly supposed to be requisite, particularly in special states of the atmosphere. At the present House of Commons, a supply of air exceeding by two hundred and forty times that afforded at a former period has, on some occasions, been found to be absolutely essential.

3. The demands of different constitutions are, in many cases, so totally incompatible, that, where the system is not attuned, and to a certain extent clothed, in reference to the medium atmosphere provided, it is impossible to afford that average comfort which each expects, without the introduction of zones of warm, temperate, or cold air. Hence, in any systematic ventilation, it is requisite that every individual shall make some allowance for the different constitutions which surround him†.

The great extent to which individuals differ as to the effect of the surrounding air on their sensations is scarcely at all known. Yet it is

* Although the subject of ventilation is attracting a daily increasing attention, it can hardly be expected that its importance and principles will be duly appreciated and understood until widely introduced as a part of general education. Select lessons in schools, on heat, light, combustion, respiration, &c. can alone be the means of implanting that knowledge which is necessary to awaken the mass of society to the great loss and suffering attendant on defective ventilation.

† The first remark made to me after the occupation of one of the buildings ventilated by me, was, "The temperature is rising, we shall be suffocated immediately." The next, which was made by a gentleman sitting on the same bench with the other, and uttered just as the other had concluded, was, "I am shivering with cold; I can bear this house no longer."

subject to general rules, which enable us, in some degree, to explain this great diversity of feeling in the same circumstances. When the constitution is in a high degree of health and vigour, the power of resisting cold is greatest; and individuals of this class are not sensibly affected by changes, which others often pronounce to be intolerable.—The fuller the habit of body, the more generous and ample the diet, and the greater the amount of clothing, the greater is the demand for fresh air.—Individuals subject to certain varieties of asthma, labouring under any illness, or of delicate constitution, are peculiarly sensible to changes, and complain of ventilating adjustments essential for the comfort of others. Every one has different feelings as to the air, according to his peculiar temperament. Some, when speaking, require a hot atmosphere to stimulate their circulation; others feel such an atmosphere oppressive, and require to be cooled. Some perspire largely, and cannot tolerate the atmosphere most congenial to those who absorb. Those who have just dined cannot bear the warm and comforting atmosphere called for by those who are hungry, and may have been exhausted by a long and tedious sitting. One has been out riding, and is warmly clothed, or is wearing his gown and wig; another is in full dress, and thinly clad. The atmosphere refreshing to the former would chill the latter. One has headache; he cannot get too much air, and would have the highest power of the ventilating apparatus in action. His next neighbour dislikes much air, and feels intolerable that supply on which the first would insist, had he the command of the ventilation.—These are matters of daily occurrence. How is the question to be decided? or what guide is there for any one under whose immediate authority the ventilator regulates the state of the air, when not left to his own judgment and experience in steering the medium course, which he alone can indicate, who knows the ever-varying and conflicting feelings of others.

4. Even for the same individual the same atmosphere does not continue equally suitable during a long sitting, more air being required immediately after refreshment has been taken, or when the system has been excited from any cause.

5. An increasing temperature becomes essential as a long debate exhausts the constitution.

6. The atmosphere which may be agreeable to a visitor for a limited period, or to those who have recently taken exercise or refreshment, may be intolerable to those who have sustained an exhausting exertion for many hours on the same bench.

7. With many, the constitution, when continuously subjected for days, weeks, or months, to long sittings of eight, ten, and sometimes twelve hours, acquires a degree of irritability and sensitiveness to an atmosphere not exactly in unison with it, which can scarcely be appreciated by the very few who are in the happy condition of feeling all atmospheres alike, or may be exposed to it only for a limited

10 INCORRECT INTERPRETATIONS OF THE THERMOMETER.

period at a time. And this feeling is increased in proportion to the mental exhaustion, which, when extreme, nothing but rest can remove, however much a suitable atmosphere may palliate the evil.

8. The long-continued action (at home) of a comparatively high or low temperature may render an atmosphere unsuitable, which, to others, would be agreeable and necessary.

9. In densely crowded apartments, the ventilation, to be successful, must be adapted and modified according to the variations in the numbers present, the lighting, the state of the external atmosphere, as well as the general period of refreshment, and the exhaustion of the constitution.

10. The thermometer, so constantly appealed to as a standard of comparison, is of little value as a test of the effect of the atmosphere in communicating the sensation of heat, or that of cold, in ventilated apartments, unless taken in conjunction with the rate of movement of the air, its hygrometric condition, and the previous state of the system. An atmosphere which feels warm when it is stagnant or moving slowly, will be *cooling*, in its influence upon the person, if its velocity be considerably increased.

11. While air may be conveyed by an ascending, descending, lateral, general or local movement, through any apartment, the purest atmosphere is sustained with the least expenditure of power by an ascending movement; but the movement best adapted for any individual apartment can only be advantageously determined by a combined view of all the circumstances affecting each individual case.

12. While a very slight knowledge of aerial currents will enable numbers to manage the ventilation of ordinary apartments, the very fluctuating demands of public and crowded halls can only be met successfully by large and powerful measures, capable of modifications in unison with the circumstances that require them.

13. The economical application of ventilation and warming to buildings cannot be thoroughly secured till they are included in the original design and scope of the architect, and not merely appended to designs already formed without any reference to them, or applied to structures already executed, when their introduction must necessarily be effected with greater expense and difficulty*.

* "These considerations give us great confidence, in the expectation that ventilation will be much improved in proportion as its nature and importance are better known; more especially, when plans for warming and ventilation shall be minutely studied, and incorporated in original designs, instead of being merely applied, as is too often the case at present, to buildings already constructed or designed, without reference to this important object. This is the great and paramount object that should be pressed upon the attention of architects and builders. If structural arrangements are provided in public buildings and private dwellings, ventilation will then attain that facility and economy of execution without which its general introduction cannot be anticipated to the extent that its importance requires."—*Second Report of the Commissioners for inquiring into the State of Large Towns and Populous Districts*, Feb. 3d, 1845.

14. Whatever ventilating arrangements be introduced in any apartment, unless the attending ventilator shall be allowed a certain amount of general control, and be independent of the orders given by extreme constitutions, general comfort is not attainable. Such individuals are always most apt to complain, and if their wants be made too special an object of attention, they may be satisfied, but only at the expense of the great majority.

With these preliminary remarks on the position and difficulties of questions of ventilation in apartments densely crowded, or subject to an ever-varying attendance, I proceed to consider the attacks of the *Times* newspaper.

The *Times* states, that my experiments on the ventilation of the Houses of Parliament have proved an "egregious failure;" that they "have been advantageous to no one but myself;" and has reiterated such statements repeatedly, with a confidence and hardihood calculated to make an impression on those who have no other source of information on the subject.

"A more egregious failure than Dr. Reid's 'experiments' have hitherto proved, cannot be imagined. We have not heard of one individual to whom they have been 'extremely advantageous,' except it be Dr. Reid himself, and we can state, from our own personal experience in the gallery of the House of Commons, and from our communications with others, that, for the last two or three years, they have been productive not of 'considerable' but of 'excessive inconvenience' to every gentleman who has been obliged to attend it."—*Times*, March 21, 1845.

"That which has hitherto proved so monstrous a failure."—*Ibid.*

"The fetid and unwholesome state of the air was therefore attributable to nothing else than the cooling (!) apparatus of Dr. Reid."

—"The utter inefficiency of Dr. Reid's system of ventilation."—

—"The present abominable system."—"He obtains a percentage on the cost of the experiments which he is hourly trying on what he may deem so vile a body as the present House of Commons."—*Times*, June 28, 1845.

There is a simple and effectual reply to such assertions. *They are utterly at variance with the facts of the case.*

Nine years have now elapsed since the House of Commons has been ventilated on the plan which I recommended, so far as that could be introduced in an old building, where the numerous surrounding lobbies, passages, and doorways, were not included in the experiment; and I am in possession of evidence from every class of persons in a position to judge, that their comfort has been very greatly promoted by the introduction of my plan. No complaint

has ever been made that has not been traced to local circumstances, of an accidental or temporary character,—to external impurities, or the conflicting elements of different constitutions. And there has been no alteration whatsoever in the system adopted, or in the mode of management, except what has been rendered absolutely essential to diminish, as far as may be practicable, evils arising from the totally altered relations of the external atmosphere within the last two years. The surrounding air has been affected and deteriorated on every side by the pulling down of old walls, the opening of sewers and cesspools, and other circumstances familiar to every one at all acquainted with the critical position of the works, and the influence of their state on the condition of the air supplied to the present Houses. It has been at times essential to apply chemical preparations to the air to a very great extent, when influenced by the opening of drains, by excavations, and other causes that largely affected the atmosphere in the vicinity, and induced severe, and in some cases even sudden sickness among those more immediately exposed to them.

The very terms in which the Times refers to the last two or three years, while it preserves silence as to the preceding six years, when the same system was in operation, will lead any one to look to local causes for that difference, so far as a difference has existed between the present and the former operation of the same arrangements.

The above, and other statements of the *Times* newspaper, are extremely inaccurate and unfair, inasmuch as, without inquiry, or any means of knowing, they attribute to me and my system every inconvenience ever experienced by any one from the state of the atmosphere in the House of Commons ; as if any uniform system of ventilation whatever could make every one equally comfortable under all conditions ; as if there were not many circumstances certain to affect the atmosphere of the House under any system of ventilation whatever ; and as if my system could possibly present precisely the same effects as formerly in the present state of the works, when the north lobby-walls have been cut off and replaced by temporary arrangements, and when other circumstances, without particularizing the pulling down of walls not many yards from the House itself, necessarily deteriorate the general quality of the air. I do not object to every one calling out as loudly as he can when he feels uncomfortable—the more freely that is done the better, for we shall thereby the sooner be enabled to remove defects and introduce improvements. But I do object to judgments pronounced authoritatively by persons not in a position to know the circumstances of the case ; and I will venture to say, that most persons at all acquainted with the subject of ventilation,—at all aware of the local peculiarities, who had informed themselves of the extent to which my views had been carried out, and who were not urged by prejudice or

animosity,—would not have been so ready to impute blame and unworthy motives,—and would have paused before denouncing a system which had worked well so long.

How many complaints originate in a cause which no system of warming and ventilating can thoroughly remove—the different constitutions of individuals and their varying physical condition at different times. And how many complaints arise from temporary or external causes which interfere with the proper working of the ventilation, and over which I have no control? A sudden fall of the barometer, when the tide is low, causing a universal exhalation from the banks of the river, and those drains in the vicinity that are not ventilated,—a particular inclination of the wind, driving the air from a manufactory conducting offensive operations during the night,—or the surface of the river being covered with gas liquor, drifted by the tide along the Houses, and affecting the whole atmosphere in the vicinity, are some of many causes that have at times so largely affected the external atmosphere, that even with the most extended arrangements, it is impracticable entirely to subdue their influence, when large supplies of 50,000 to 100,000 cubic feet per minute become essential during sultry and oppressive weather.

Indeed, the system of ventilation introduced in the Houses of Parliament is one by which we may command any state of the atmosphere required, as to temperature or moisture, within the range of the apparatus, in the apartment to be ventilated. If too hot, it can be cooled: if too cold, it can be warmed; if rapidly deteriorated by a crowded house, it can be rapidly renewed; or it may be kept perfectly stationary if desired. And these changes may be made at any rate, or brought about by the most insensible gradations. And, while no stagnation is permitted at any point, it is, by extreme diffusion, rendered as imperceptible at any one place as is practicable. If, then, the system of ventilation I have introduced does not succeed in preserving the air in the house in a suitable condition, it is plain—

That there is an error in the system, and that it has not that complete control over the air of the apartment which it professes to have;

That the system has not been properly carried out;

That it is not properly worked;

That a proper understanding has not been come to as to that state of the air which is desirable in different circumstances;

Or that due allowance is not made by some for the feelings of others, in complaints made on the subject.

It will hardly be said by any one who knows anything of the present ventilating arrangements at the House of Commons, that there is not complete control over the air there as regards heat and moisture; and all I ask is, that those who desire to form an opinion of the ventilation of the Houses of Parliament, or other public

14 HIGHER STANDARD OF VENTILATION, NOW FORMED.

buildings where my plans are introduced, would give some consideration to the various circumstances here alluded to before pronouncing their judgment.

Let those who know what it was, call to recollection the state of the atmosphere in the Houses of Parliament before my methods were in operation there ; the prolonged and careful inquiry by the Parliamentary Committee before coming to a decision ; the evidence taken from men of science and practical skill who were called to the first inquiry in 1835, when I had the honour of being summoned to attend ; the long time during which the ventilation has been worked ; the effect of its success in establishing a better taste and higher standard as regards the condition of the surrounding air ; and the successive recommendations it has received by various public acts. They will then, I think, conclude, that more caution, greater information, and a different temper from that shewn by the *Times*, are requisite to form an impartial decision on such a question.

The *Times* has made frequent reference to the state of the Committee Rooms :—

" We understand that in the new Committee Rooms honourable members are almost every day complaining of the sudden and alarming changes, from extreme heat to extreme cold, to which they are exposed by Dr. Reid's ' experiments.' "—*Times*, March 21, 1845.

Without any scruple or hesitation, it lays to my charge every inconvenience experienced by honourable members or others in these apartments, connecting these with the report of the case of an honourable member who was prevented attending a Committee by indisposition, which his medical adviser attributed to the state of the atmosphere in the Committee Room which he attended. Now, how stands the fact ? Many of the Committee Rooms never have been ventilated at all (except by doors or windows), and that particular apartment, the atmosphere in which is said to have caused the illness of the honourable member, had no special provision whatever for ventilation, the state of the air there being solely dependent on the rough working of doors and windows.

As to the temporary Committee Rooms, making allowance for some of the varied and other incidental circumstances connected with the very temporary manner in which they are constructed, I am quite prepared, in the proper quarter, to shew the difference between them and the old Committee Rooms. Here, it is sufficient to remark that an agreeable state of the air cannot be looked for where upwards of a hundred strangers have crowded at times as densely as a mob on a space of less than one square foot for each. Such densely packed masses, composed of individuals pressed without limitation upon each other, necessarily obstruct ventilation around the person, unless forced by extreme measures. Still less is it practicable to ventilate apartments properly without reference to the quality of that external atmosphere from which alone a supply can be obtained.

But all these things are nothing to the *Times* journalist. Without any knowledge of the circumstances, they at once assume that all the Committee Rooms are ventilated by me, and that there were necessarily no peculiar circumstances to affect the state of the air supplied, and that I was, therefore, responsible for the state of the air, whatever points may not have been under my control.

The *Times* newspaper asserts that I have a percentage on the cost of experiments which I am trying on the House of Commons. This is utterly incorrect; there is no sense in which it can be taken in which it has any foundation in fact. I adduce it only as an additional sample of the complete ignorance of the writers in that paper on the subject, and of the recklessness with which they throw out any statement, however unfounded or absurd, which they think calculated to injure me.

I might notice many other statements in the *Times* equally deserving of credit with those on which I have already commented; but it will be unnecessary for me to do more than refer to the following.

In the *Times* of March 11, 1845, it is stated—

“The Public Halls have been ready to receive the roof for some time past, and they would have been long since fixed but for the delay occasioned by arrangements necessary for the ventilation, the complicated nature of which has very much retarded the progress of these works. The Prince and party were then conducted to view St. Stephen’s Hall, erected on the spot occupied by the old House of Commons.”

Here, then, the *Times* asserts—

That the Public Halls have been built;

That they have been waiting to receive the roof;

That this has been kept back by the state of the ventilation;

That St. Stephen’s Hall, among others, is actually erected.

Every assertion there is at utter variance with the fact. To take one illustration:—St. Stephen’s Hall is not yet built; not one stone was laid, nor was the contract for it signed, at the period when the *Times* made the assertion that it was built, and waiting on the ventilation to receive the roof. This paper, it appears, cannot give a simple account of a visit by the Fine Arts Commissioners to the new Houses of Parliament without obtruding its opinion that the ventilating arrangements are complicated, and building castles in the air with unfinished roofs, that it may represent these creatures of its imagination as retarded in their progress by me!

The *Times* reports that Lord Denman condemned my system of ventilation, and expressed a desire that it should be extirpated from the Old Bailey. So very far is this from being the case, that I have that noble lord’s authority for stating that he gave no opinion upon the system, made no reference to it, but merely complained of the heat. It is difficult to understand how I am to be blamed for this. In the arrangement which I have introduced for ventilating and

16 THE OLD BAILEY—REPORT BY THE COMMITTEE OF INQUIRY.

warming the Old Bailey, any temperature can be commanded ; but I am not responsible for the management at any individual time. I have had no charge or control over it whatever for the last three years. How can the *Times* reconcile this with that truth and justice which we have a right to expect from all who set themselves up to give faithful reports of public proceedings ? Here it is attempted to throw discredit on my system by representing Lord Denman as saying what he did not say, and by suppressing (or writing in ignorance of) what ought to have been known and stated by any one who chose to comment on the present ventilation of the Old Bailey.

Since the *Times* has thought proper to allude to what I have done at the Old Bailey, I may be excused for quoting the following extracts from reports in the *Times* itself as to the ventilation. Surely it will not discredit its own reports ; nor can it deny that the gentlemen quoted were in the best position for judging of it. The Report of the Committee was made after it had been in operation for a full year, and tested every few weeks, both winter and summer, and under every variety of attendance, by the parties who gave evidence before the Committee.

“ Sir Matthew Wood brought up the Report of the Gaol Committee respecting the ventilation of the Sessions House in the Old Bailey. It stated that the Committee had held several meetings on the subject of the ventilation of the building by Dr. Reid, and had examined Mr. Clark, the Clerk of the Court, and other gentlemen who had frequent opportunities of estimating the value of the plan, and that the Committee recommended a continuance of it. The report was agreed to, and the recommendation was ordered to be carried into execution.”—*Extract from the Times of July 6th, 1842, as to the Ventilation of the Old Bailey.*

“ He considered it his duty to speak upon the present occasion of the decided success of Dr. Reid’s plan of ventilation at the Old Bailey. He had attended the Central Criminal Court during the hottest days of the last session, and he solemnly declared that he felt, in these crowded places, as light and comfortable an atmosphere as he had but a little before felt when riding through the Regent’s Park. He hoped the Court would be as unanimous as the Committee had been ; and he could not withhold his sincere testimony to the fact, that by adopting the suggestion to ventilate the Courts he had just spoken of, the Corporation had added at least ten years to the lives of those who were in the habit of attending them.”—*Extract from Speech by Sir Peter Laurie, as reported in the Times, Sept. 18, 1841 : Proceedings of the Court of Aldermen.*

What has worked well for one whole year may be worked well in any other year ; and, during the last year, the attendant has informed me that there has been no just complaint which he could not control,

though it is impossible for him to meet the importunate demands of different constitutions at the same time.

A little reflection will show how absurd and how unjust it may be to impute to the *system* of ventilation adopted any inconveniences that may be felt, without reference to the *management* or the orders of those who control the judgment of the attending ventilator. In judging of the effects of every system of ventilation, however complicated, or however simple, there are two distinct things to be considered—the general plan, and the working of that plan. The simplest or most perfect method of ventilation may be spoiled by careless or ignorant management, or by orders from authorities controlling that management for special purposes. I have known one half of a house to have the ventilation entirely suppressed, and another portion to have an extra supply of air, according to the taste and feelings of those who have the control over the immediate attendants. Though such cases may be, and often are, the subject of bitter complaint, there cannot be a greater injustice than to refer them to the system adopted, unless after a careful enquiry into the manner in which it was worked at the time of the complaint. Hence, I have sometimes been blamed for what, it could easily be shewn to any unprejudiced person who would inquire into the circumstances, I had nothing whatever to do with. Nay, further, in many instances, even the general plan has not been allowed to be fully carried out; while in no ship or building ever ventilated by me have I had the opportunity of having my plans incorporated with original designs, except at my experimental apartments built at Edinburgh. They have as yet laboured under the great disadvantage of being merely applied to buildings already constructed, or designs already prepared.

One might suppose, from very recent statements in the *Times*, that the ventilation of the Old Bailey had been discontinued; but the clerk of the works, Mr. Bunning, has assured me that no directions whatsoever have been given by the City Lands Committee either for altering my plan, or the directions given by me for working it. The attending ventilator has it in his power to adjust the ventilation any degree desired, or to shut the valves altogether, but it is impossible for him to do his duty and make the atmosphere equally satisfactory to every constitution, especially where varieties of dress increase the differences of very varied temperaments.

The *Times* endeavours to convey to its readers an impression that the ventilation of the Victoria and Albert royal yacht has been a failure, stating—

“ We have heard that Dr. Reid has had the management of the ventilation on board the Victoria and Albert yacht, and nothing would be easier than to examine the officers of that vessel as to the extent to which it had failed or succeeded.”—*Times*, March 21, 1845.

In reply to the meaning this statement is intended to convey, I may observe, that the ventilating apparatus in that vessel gives the most complete control over the atmosphere in every part. I have been in that yacht for a considerable time, both in harbour and at sea, when the ventilating machinery was in operation, and know, from careful personal examination, that it acted most efficiently, and ensured a wholesome state of the atmosphere over the whole of the compartments. Moreover, I have a number of the most satisfactory assurances of the success of the method I have introduced in that vessel, from those in the best position for knowing, and have reason to believe that the extent to which the ventilating arrangements introduced there have acted not only upon the royal apartments, but also upon numerous individual cabins, the berths for the men, the holds, and the engine-room, will not be unattended with some influence on the improvement of the atmosphere in all kinds of ships. A more wanton, reckless, unfounded insinuation, calculated to injure professional reputation, could not be thrown out by any publication pretending to any character for correctness in its statements.

I might here, as in respect to other matters, quote many documents in my possession, but the following, from an official report which I received from the Right Hon. H. Corry, the Secretary of the Admiralty, will be abundantly sufficient :—

"I am commanded by my Lords Commissioners of the Admiralty to acquaint you, that it appears from a report made upon your Ventilating apparatus fitted in the Royal Yacht, that its operations were quite perfect.

"The exhaustion of vitiated air, and the supply of fresh air, being easily regulated by the occupant of each apartment, and the apparatus being sufficiently powerful to keep up the necessary change in all the apartments, while at the same time the whole power of the machine can be thrown upon one apartment.

"No offensive smell proceeds from the hold of the ship, but this is rather attributed to the unremitting attention paid to cleanliness, than to the effects of the apparatus. The temperature of the engine-room, which used to range between 114° and 118°, has been so reduced that no inconvenience is experienced from heat in that part of the ship."

The *Times* newspaper, then, has done me gross injustice in representing my plans of ventilation as an egregious failure; and charges to me, and to "experiments of mine," sudden and alarming changes in the air of committee rooms, with which I had nothing whatever to do. The *Times* repeatedly denounces me for complaints as to the temperature in places the ventilating arrangements of which were designed by me, without ever inquiring if these complaints were just and reasonable on the part of those who made them, or if I had anything to do with the management

at the time, or if my system in any way necessarily led to such management; attributes a statement to a noble and learned judge, Lord Denman, which was never uttered; invents a statement that I have a per centage on the cost of the experiments made on the House of Commons; insinuates, in direct opposition to fact, that the ventilation of the Victoria and Albert yacht has been a failure; and, to crown all, describes a visit by the Commissioners of the Fine Arts to St. Stephen's Hall, representing this structure as erected at a time when it was not contracted for, and alluding to walls (before they were begun), as waiting for roofs, from causes under my control.

As to the language of the *Times*, whether it talks of Dr. Reid's dangerous and unsuccessful experiments,—of a monstrous failure,—of pecuniary interests,—or states, "we have not heard of an individual to whom Dr. Reid's experiments have been extremely advantageous but to himself," it may be left without remark; but it may throw some additional light to many on the question before us to look to the special time and season when these systematic attacks of the *Times* have been commenced, and to contrast its columns from 1836 to 1844 with its columns in 1845,—comparing also the position and circumstances of the present Houses, when nothing intervened between them and the river but Cotton Garden, and the nature of the changes subsequently effected by buildings, excavations, and works, which have cut off a portion of the House itself, and sometimes, during the hottest of the session, rendered it difficult to say whether lime-dust, or exhalations from without, were the greater and more paramount evil, that involved the whole atmosphere surrounding the Houses.

The influence of the *Times* newspaper is well known. The ability with which it is conducted, the vast machinery it wields, and its extensive circulation, give it a power unexampled in the history of the newspaper press. But a just cause can neutralize any such influences; and should enable even a solitary individual to struggle successfully against such odds. All that I ask is, that those who have been acted on by the confident and repeated statements in this paper, should at least *hear both sides* before they decide. I have then no fear for the result; and at all events I will have had the satisfaction of making them acquainted with some facts and considerations bearing very materially on the points at issue, and not to be learned in the columns of my opponent.

Attacked as I have been so unjustifiably by this paper, I may be permitted to state that my views on the important question of ventilation are not of yesterday, but have undergone the test of time;—that they are not merely speculative, but have been subjected to the practical test of trial in almost every kind of public and private building, including ships and factories, and in a practical School of

Chemistry, where men of all ages, and engaged in every variety of art and profession, were in the habit of experimenting and examining the applications of ventilation under every variety of circumstance ;—and that they have met the approval of innumerable persons of scientific knowledge and practical skill, as well as of those who had nothing but the results of their own feelings to judge from. I have never shrunk from inquiry by competent persons. Conceiving that the views entertained might be useful in promoting the progress of sanitary improvement, I have spared no time nor labour in extending and diffusing these views, particularly during the last twelve years, whether with prospects of remuneration or not, and have done what I could to assist in awakening the public mind to the physical influence of external agents on health and comfort, the study of which now promises to be followed by the most beneficial results. Upwards of three thousand tickets were taken by professional students to my school of chemistry, before I left Edinburgh, five years ago ; and I could now refer, were it necessary, to works executed by my pupils, among whom were included, medical men, agriculturists, engineers, miners, architects, manufacturers, officers of the army and navy, colonists and emigrants, as well as students of general literature and science.

I cannot suppose that this newspaper has been actuated solely by a desire to forward improvements ; there has always appeared to me something not directly accounted for in the conduct of the *Times* towards me. Their repeated recurrence to the subject,—the pains they have taken to go out of their way to disparage my plans,—their not scrupling, as I have shewn, to suppress, invent, and misrepresent, either for the sake of doing me an injury, or, at least, proceeding with a recklessness equivalent to the same ; the virulence, coarseness, and pointed personality of their style on a subject which is eminently free from the usual sources of excitement and angry feeling,—all conspire to show a design to use their power to injure my reputation, both private and professional ; or that they are the tools of others in attempting to effect this object.

Their object, and the unscrupulous means by which they have endeavoured to attain it, I have, I think, made pretty plain. It now rests with the public, who may judge between us, to say whether they have represented the truth in what they have said of me ; or whether, in an evident attempt to injure private character and professional standing, they have not, in a most unfair spirit, sacrificed truth and courtesy, to the most reckless misstatements—asserting without knowledge, pronouncing without information, judging without evidence, and condemning without hearing.

THE ATHENÆUM.

Having referred to the subject of the ventilation of ships, I may take this opportunity of noticing a statement in the *Athenæum*, No. 855, regarding the ventilation of the steam-vessels sent on the expedition to the Niger. In that journal it is said,—

“In other cases, as in the Niger ships, he has totally and signally failed. If there be a point on which we find fault with his book, it is this, that he has not been sufficiently explicit, or sufficiently candid, in the account he gives of the cases he has attempted, and where we have reason to believe he has failed.”—*Athenæum*, No. 855, p. 239.

Here are two very strong statements; one bearing on my professional reputation, the other still more seriously affecting me. It is stated that, in the ventilation of the Niger ships, “I totally and signally failed,” and that I have suppressed the fact of the failure, and have not been “sufficiently explicit nor sufficiently candid.”

A statement of this kind, in a respectable journal, given forth deliberately in a calm review of a scientific work, of course receives some degree of credit; for no one would ever suppose that statements so strong would emanate from such a quarter without full information on the subject, and a perfect assurance of their correctness.

Yet it is, nevertheless, the case, that the ventilation of the Niger ships was the reverse of a failure; that it was successful, was highly efficient, and of material service in contributing to the comfort, at least, of the officers and men of the expedition.

There were two ends aimed at in the apparatus introduced by me in these vessels: *one*, ventilation; *the other*, medicating the air with the view of acting on various matters contained in it, which it was *conjectured* might be either primary or accessory causes of disease.

It is true the expedition failed; it is true all attempts to secure the crew from the prevalent fever failed. The ventilation did not prevent the fever; and the medicator did not prevent the fever. But these are not the only questions that come into consideration in looking to the ventilation, and the part taken by me in regard to it. I did not warrant either the ventilation or the medication of the atmosphere to check the fever which breaks out in these districts. Whatever they might not do, they were at least expected to contribute to the health and strength of the crew, with the hope that any measures whatever which tended to preserve the health might have a chance of enabling some to resist altogether the tendency to disease, and others to pass through it more easily.

To say that my plans of ventilation, as applied in the ships of the

Niger expedition, were a total and a signal failure, is about as just and as reasonable as to blame a regimental surgeon for having failed in preserving his men in proper condition because they happen to be beaten back or massacred when sent on a forlorn hope by their commander. The sole question as regards me is, did these contrivances serve their immediate purpose? Did the ventilating apparatus prove capable of ventilating the vessels? Was the medicator efficient in the application of those agents which were provided with the view of being employed in it?

To shew that I never had entertained the idea or in any way pretended to warrant the prevention of fever by the measures adopted for purifying the air in these vessels, it is sufficient to quote the following lines from Dr. M'William's valuable Medical History of the Niger Expedition, in which he expresses the view I gave before the ships left Liverpool, where they were built. He here states, page 259, that I then remarked, that "even if the whole ship were appropriated for ventilation alone, it would not be possible to guarantee a certain result, as the quality of the atmosphere of the Niger had never been made the subject of experimental examination, and still less the precise nature of the evil which proved so fatal in former expeditions." Again, in pages 252 and 253, it is farther stated, "The system of ventilation adopted in the vessels of the Niger expedition, according to the plans proposed by Dr. Reid, presented the first systematic attempt that had been made to place every compartment of a ship under the immediate and direct control of a ventilating power: it may be proper for me, therefore, to give a separate notice on this subject, particularly as so much attention is now directed to this department, as a means of improving health in the navy." "Special arrangements were also introduced with the view of endeavouring to combat some of the evils that were known to prevail in the atmosphere of African rivers; but, in respect to these, Dr. Reid remarked from the commencement that they could only be viewed in the light of an experiment, or, as he stated, in the 'Friend of Africa,' "It must be obvious, that it will be impossible to estimate precisely the extent to which such an apparatus may prove beneficial until some specific information, as to the peculiar chemical qualities of the atmosphere of the Niger, shall have been obtained."

No one knew the precise source of the prevalent fever. It might be atmospheric causes, which we did not understand, and could not operate upon; but, on the other hand, there was, in our total ignorance on the subject, a possibility that atmospheric agents, on which we could act, might be the source of, or might aggravate, disease; and hence the medicator was introduced with the view of neutralizing these latter noxious influences, as far as might be practicable, in the air of the cabins and sleeping-apartments. With regard to this apparatus, while some thought it was too weighty and

bulky, and others that it would be inefficient from not operating on the external air on deck, &c. it was determined to try it *quantum raléat*; and Dr. M'William, of the Albert, reports,—

“ These experiments, from circumstances that could not be controlled, were rather limited, but sufficient, in my opinion, to establish the medicator as a most useful, elegant, and economical medium for subjecting the external atmosphere to the action of chemical and other agents, whether with the view of absorbing carbonic acid and other deleterious matters, as by lime; of chemically decomposing it under certain circumstances of impregnation, as by chlorine; of arresting bodies mechanically suspended in the air; or of altering its hygrometric condition by substances capable of removing moisture from, or of imparting humidity to it,” page 263. Again, in page 260, it is farther stated, “ I do entertain the opinion, that had we been fortunate enough to discover the precise nature of the poison, and had it been confined to no very extended district, that by keeping the white men below as much as possible, and steaming rapidly through that situation, the medicator might have been brought into much more efficient operation than was possible when, with every attention to it, that circumstance permitted no clue as to how the constitution of the virus was obtained.”

With respect to the ventilation, which has been so hastily pronounced a failure, Capt. Trotter, immediately before the expedition sailed, gave the following certificate :—

“ H.M.S. Vessel, Albert, April 22d, 1841.

“ I hereby certify, that Dr. David Boswell Reid has completed the ventilation of the three steam-vessels of the Niger expedition, including the purification of the air by heating apparatus, &c., and that he has done so in the most satisfactory manner.

“ (Signed) H. D. TROTTER, C.R.N.”

The following letter is an additional proof of the opinion entertained by Capt. Trotter and the officers of the expedition as to what the *Althenæum* is pleased to designate a signal failure, reproaching me also with want of candour for not confessing it to be so :—

“ H.M.S. Vessel, Albert, Devonport,
30th April, 1841.

“ My Dear Sir,

“ The officers of the Niger expedition, duly appreciating the success which has attended your plan of ventilating the steam-vessels in which they are embarked, and feeling grateful to you for the un-wearied attention which, with the view of benefiting their health, and adding to their comfort, you have bestowed upon the subject, are desirous of marking their sense of your services, and have deputed

24 EXTRACTS FROM LETTERS OF OFFICERS OF THE EXPEDITION.

me to ask your acceptance of two small pieces of plate for that purpose; and permit me, my dear Sir, to take this opportunity of adding my personal thanks for the great anxiety you have always evinced in carrying out this valuable improvement in naval equipment. Nobody knows as well as myself the time you have devoted in bringing it to the state of perfection in which it is now working on board the three steam-vessels—much, I fear, to the prejudice of your other professional pursuits. I wish I were better able to express how much I feel indebted to you, and how gratified I am in being permitted to join with the rest of the expedition in bearing testimony to the esteem in which, believe me, we all hold you; and cordially wishing you and your family every happiness, I beg you will believe me, with sincere regard and respect,

“Your very faithful servant,
“HENRY D. TROTTER.”

Commander Allen, of the Wilberforce, who certainly doubted the efficacy of the *medicator*, observes—

“We have derived very great benefit from the fanners and the ventilating-tube in exhausting the foul air from below:” and again, writing from Teneriffe, he observes, “The ventilation answers very well. While all the men were in their hammocks, and the night very warm, I found the air perfectly pure and cool.”

Dr. M’William states in his work, page 5, referring to the period before the ships left Woolwich, “Experiments were frequently made to ascertain the power of the ventilating apparatus, to the admiration of all who witnessed them, among whom were many individuals distinguished in science.”

Again, in speaking of the operation of the ventilating apparatus, as tried during the voyage out, Dr. M’William states (page 8),

“It was thus evident that we possessed a means at command by which a uniform supply of fresh air was afforded to the five sections of the ship.”

The following extract is from a letter addressed to me by the same gentleman, and dated, H.S. Ship, Albert, Funchal Roads, Madeira, May 25th, 1841:—

“I have just returned from a three-days’ excursion in the country, where we have witnessed some of the most sublime scenery in nature. You, of course, know that we sailed from Plymouth on the evening of the 12th inst. We were favoured with most beautiful weather. In the far-famed Bay for winds and storms we had comparatively smooth water. The ventilation was performed every day by both plenum and vacuum impulses, and succeeded admirably. When in the latitude of Oporto, the action of the fanner was suspended for some time, and then put on, and the valves fitted for exhaustion, leaving the gunwale tubes open, and drawing out from all parts of the ship, including the cabin, hold, &c.: the temperature on deck throughout

THE MEDICATOR—DR. M'WILLIAM—COMMANDER FISHBOURNE. 25

was 63° Fah. During the suspension of the action of the apparatus the thermometer rose, in the captain's cabin, two degrees; in the gun-room, three; in the lower deck, two and a half; nearly the same in the engine-room and midshipmen's berth: thus you may perceive in how nearly a uniform manner the effect of removing a supply by the fanner was manifested in the five sections of the ship. On reconnecting the fanner with the engine, and leaving the adjustments as before (exhaustion), the thermometer fell to its former standard. So far as our experience has gone, we may pronounce the means we have for ventilation as nearly perfect."

So much for the total and signal failure of the Ventilation.

Who, then, dealing candidly with this question, can read the evidence adduced, and say that it is just and fair to state that the ventilation of the Niger ships was a "signal failure," that I should be charged with want of candour for not avowing and confessing it to be a failure? But this is the language of the *Athenaeum*.

As for the Medication, in page 90 of the work already quoted, Dr. M'William further observes,—

"By the action of the fanners, propelled by the engines, chlorine was diffused from the medicator throughout the ship, and found to be very grateful to the patients."*

I might now quote from Commander Fishbourne, who bears testimony to the benefit derived both from the ventilation and the medication; but the extent to which this would lead me prevents me from entering on further details than are given in the following extracts. In referring to the period when the Soudan (the smallest of the steamers, much less than the Albert or Wilberforce) began to descend the river Niger with no less than forty fever patients, the commander, at that time Lieut. Fishbourne, of the Albert, who replaced the late Captain Bird Allen, then suffering from the fever of which he died, stated, in a letter to me—

"As to the personal comfort of the medicated air, I can speak with great thankfulness, for I enjoyed perfect health up to the time of going on board the Soudan; that evening, however, on going down into her cabin, I was much oppressed by the atmosphere. Notwithstanding, being very much tired, I lay down to sleep, but awoke two hours afterwards with such a headache as I had never before experienced. I got up and left the cabin, and had a large quantity of chlorine evolved and circulated through the vessel." He then adds, "that his headache passed away with little else than this;" and states, further, that he "did not experience a like oppressive sensation again."

* It may be proper to mention, that the surgeon of the Wilberforce, the late Dr. Pritchett, entertained the opinion that a special cause, to which he referred under the title of solar influence, was the real cause of fever, and did not attach any value to the use of the medicator.

26 DR. M'WILLIAM'S ACCOUNT OF THE ATTACK OF THE FEVER.

It will now be evident, from the various documents referred to, that every promise held out by me to all the parties with whom I was placed in communication was realized. I stated broadly and emphatically that all I professed to do was to place certain means at the disposal of those who were to direct their use. As Dr. M'William has stated, page 258, I proceeded "on the assumption that no supply of air that was likely to be provided by artificial means would exceed the wants of the system in the Niger expedition;" and "the demand made in respect to the power of the apparatus was limited solely by the opportunities afforded for giving effect to the arrangements proposed," page 258. It will be palpable, then, that I secured the greatest amount of resources that circumstances would permit; and a reference to the pages of those who have recorded the progress of the expedition will show that the fever suddenly attacked the crew, when they were in the highest spirits, and imagined that they had passed their greatest danger, the ventilation not being complained of, and when, in reality, the subtle poison had stolen unconsciously upon the system. Dr. M'William states, page 73,—

"Up to this time (September the 2d), the expedition had been fortunate beyond all expectation. The Delta had been passed, and we were entering the Valley of the Niger under circumstances seemingly the most auspicious. The crews were in the best possible condition, and, with a general buoyancy of feeling, looked forward to the period when the vessels were to ascend the river, while they contemplated with delight the novel and diversified scenery of the high land before them. With such prospects—so favourable beyond all anticipation—is it to be wondered if we indulged a rather sanguine hope that the continuance of health would be granted to us, and that we should, under Providence, thus be enabled to persevere in the great object of our mission? But it was otherwise ordained.

"Sept. 4th.—Fever, of a most malignant character, broke out in the Albert, and almost simultaneously in the other vessels, and abated not until the whole expedition was completely paralysed."

But is the *Athenæum* entitled to conclude that the ventilation and medication of the air did no good? Is it nothing that the atmosphere in the ships was preserved in the highest condition till the expedition penetrated the malarious district, where the whole external air was contaminated? Is it nothing that the health and comfort of the men were sustained to a high pitch before the fever did appear? Is it nothing that, in addition to the influence of the ventilation, positive relief was afforded by the medicating apparatus, as testified by the chief medical officer, and as shown (to refer to the example last quoted) in the Soudan at a time when there were forty fever patients on board? The mortality was certainly disastrous; but, without making any such assumption as that it would have been doubled, or otherwise largely increased (so as to have been as great as in some previous expedition), surely there is enough evidence to satisfy

STATEMENT OF MR. CREUZE—COMMITTEE OF NAVAL ARCHITECTS. 27

the most "scrupulous, that the medication contributed at least to diminish suffering ; in the hour of distress it was " found to be very grateful to the patients," and is spoken of " with great thankfulness." It is fair, then, to infer, that it may have proved an element in reducing that amount of mortality which might otherwise have appeared, particularly when in the manifest physical effect which it produced on the air furnished by the medicator to those that were sick, (as explained in the following quotation;) matters were removed which, there is every reason to believe, must have been prejudicial, from whatever source they might have been derived (perhaps in part from the wood used on board the ship). Such an opinion would force itself upon every one who considers it desirable, in a district abounding with fever, to exclude excessively minute fragments of animal or vegetable matter in a state of, or prone to, decomposition. "*The filter was removed from the lower lateral openings on each side of the fanner, and found covered with dust, which, examined through a microscope, was found to consist of small vegetable fibres, particles of black matter, fibre from cloth, and portions of grass.*"—Dr. M'William's History, p. 266.

I might extend evidence on this point, did I consider it necessary, by further reference to official and other reports, to the officers who returned, or to Dr. M'William, the only one of the three surgeons of the expedition who now survives. Perhaps, no adequate idea can be formed of the extreme severity and oppressive influence of the atmosphere of the Niger, and other similar districts, by those who have had no practical experience of the subduing effects which they produce on European constitutions. Whether the apparatus introduced by me had any effect or not on the precise cause of fever, no one will deny that the reports give reason for believing that it contributed to assist those meritorious and heroic exertions sustained in the midst of disease and death, which are recorded in the annals of the expedition, and without which the results might have been much more disastrous than they eventually proved to be.

The mortality in the Niger Expedition, according to Dr. M'William's Table, was 44 in 145, or rather more than 30 per cent.; but in some other African expeditions the mortality has been more than double that of the Niger Expedition; and even in the Eclair, which has lately returned from Africa, the mortality—if the reports as yet given are correct—is rather more than 50 per cent.

Mr. Creuze, formerly of the Portsmouth Dockyard, Author of the treatise on " Naval Architecture," in the " Encyclopædia Britannica," the benefit of whose zeal and science I had equally to acknowledge in adapting my plans to the Niger ships, states, in a document which has been published in another place,—

" I have had the pleasure of working in conjunction with you in the *practical application* of your admirable system of ventilation to

H.M. Navy, and I can bear testimony as to the unqualified approval your proposals met with from the committee which was appointed by the Admiralty to investigate them."

The "Minden," the hospital ship in China, was ventilated by me; and in respect to that vessel, Mr. Chatfield, the naval architect with whom I had the advantage of being placed in communication in effecting this object, states,—

"The efficiency of your ventilating apparatus, as fitted on board the 'Minden' hospital ship by me, according to your views and instructions, was most perfect, and delighted every one."

I have now adverted to every one of H.M. ships in which any systematic ventilation has been introduced under my directions, and might quote further evidence from Capt. Houston Stewart, and the Officers of the Benbow, in reference to a series of experiments made in that ship in the year 1839, in the course of which, apparatus was employed that had been used publicly by me for ventilation in 1831.

The ventilation of crowded ships is a still more important question than the ventilation of buildings. Excepting mines, no cases in general present such complexity as ships. The admitted evils are great; and the amount of personal discomfort and suffering, even in packets and passage-boats, on which no other comfort is spared, are great. Nothing, however, is more accessible than effective ventilation, at an expenditure which would form but a small portion of that sum which is so often bestowed on mere internal decorations. And if I have extended on this department further than might at first have appeared necessary, it has been in part with the hope that erroneous statements, widely circulated, may be contradicted, and not oppose an obstacle to the more general introduction of systematic ventilation in all classes of ships.

THE END.

A F E W W O R D S

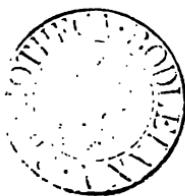
ON THE

CLAIMS

OF THE

MEDICAL PROFESSION

UPON THE PUBLIC.



BY JOHN ROBINSON, M. B.

Second Edition, Revised.

LONDON :

JOHN CHURCHILL, PRINCES STREET, SOHO.

1845.



CLAIMS, &c.

THE present short outline is not intended as an eulogy on a profession to which its Author has the honour to belong, but as an humble attempt to bring before the notice of the public, a few facts illustrative of the professional deserts of its Members, and, consequently, their claim to public distinction and reward.

Previous to entering his profession, the Medical Student has laid before him the devotion necessary for the fulfilment of its duties, and the self-denial to be observed during his career. His eye is not charmed at the outset, with objects usually attractive ; nor are his other senses regaled either with fragrance or harmony. Human suffering is presented to his view in its most disgusting and appalling forms ; and he is thus taught to take an interest in objects from which the rest of mankind would turn with abhorrence. To overcome these difficulties, it is necessary, at this period, to inspire his young mind with an adequate enthusiasm ; and it is to this very inspiration that mankind are indebted for their preservation under circumstances when other inducements would be unavailing.

A considerable expense is incurred for due qualification previous to entrance on actual practice ; and, the young practitioner, at this stage of his career, has the prospect of many years toil, before he can realize an income adequate for his decent support. At this stage, too, and in another profession, he might be able to secure a respectable accession to his means by some monied connexion ; and, though this sometimes happens, yet, in general, the chances are very much against him : as, in the case of the general practitioner, the subject more immediately kept in view in these observations, celibacy is an obstacle to his success. Consequently, the requisite time and deliberation, till some favourable and monied opportunity may occur, are thus denied him.

During these years, he has to encounter wear and tear of constitution, with its distressing causes, to an extent not generally understood. Irregular and hurried meals,—consequently, impaired digestion; exposure to all sorts of weather; deprivation of nights rest; and, for all this, very frequently, uncertain remuneration; and what is particularly galling to a sensitive mind,—ingratitude; for mankind, unhappily, are not much improved since the Divine Physician had occasion to complain of the ingratitude of the nine Lepers.

Fifteen or twenty years active practice under such circumstances are sure to make a serious inroad on any constitution; and, on approaching the downhill of life, the practitioner, apprised of his situation by some symptoms of breaking up, sees around him a family, from his unwearied exertions, reared in respectability and comfort, but who are, most likely unable, from the deficiency of their patrimony, to obtain appointments suited to their education and merits. His eldest son may be more favourably circumstanced as the successor to his father's practice; but, for the rest of the family, the prospect is bleak indeed.

During his active days, accumulation of money was impossible. He was always expected to maintain his family in respectability, and to come forward in public subscriptions, and other charitable occasions, in common with those of ten times his income. Remuneration is besides uncertain; and, if he receive his debts, it is generally at the expense of a third of their amount; and which, by the way, may be considered as the average standard of professional loss throughout the kingdom. Unlike a member of the legal profession, he cannot select his cases; but is obliged to give his time and services to all who require them. For to refuse a case, supposing even no probability of a return, would be the ruin of the practitioners reputation; as the Medical profession is expected to be, in the most extended sense of the word, one of humanity.

But leaving out of consideration the public reflection on character which would accompany such an act of omission, it must be allowed, that, throughout the whole of the profession, there is, in these cases, the most elevated feeling: and that self has but a very

secondary place in the practitioners mind, when called on in a case of emergency, whatever may be the hour, even to the humblest habitation. It may be here remarked, that the attention of the members of the profession towards each other, in cases of illness, is beyond all praise.

But, in the meantime, labour must not be remitted ; the wants of a family are of hourly occurrence, and go on increasing with their years. The toil of practice, though now become doubly harassing, must yet be borne with patience, for competition to a fearful extent is abroad ; and the indulgence of a single days relaxation might occasion a serious inroad on the practitioners connexion. In former years, by an undeviating attention to professional duty, money might have been accumulated ; but, in these times, from the causes I have mentioned, there is no possibility of doing so, and the chances are daily diminishing. A good education, and good principles, with his blessing, it is to be deplored, in nine cases out of ten, will be all the patrimony the father has to leave to his surviving family.

While one sees, in our public edifices, statues and mausoleums reared in pomp and abundance to senators and lawyers, of, perhaps, in the opinion of a subsequent age, questionable integrity ; and to that class of men, called heroes in the language of the times, whose merit is estimated by their success in the destruction of their species, the traveller passing through the country Church-yard, may come in contact with a simple stone, covered perchance with weeds, recording, in unostentatious terms, the dates of birth, death and profession of the deceased. But to the reader of a reflecting mind, what a deal will be conveyed in these terms. Labour, frequently ill-requited—fatigue—midnight exposure—to storm—darkness and pestilence—humanity called into exercise at moments of the greatest suffering, when there was no other earthly hand, present, able to save.

But the Medical practitioner possesses other claims to public respect than what arise from the discharge of what may be properly called his professional duties.

There is, generally speaking, no class of the community, who,

as a body, possess more extended views than the Medical profession—a distinction, which may be readily accounted for, by the early introduction of the Students mind to the wonders of nature—for the human structure is, of itself, a stupendous and exhaustless volume ; to the beauties of Creative Wisdom displayed in the physiology of vegetable existence, combined with the expanding influence consequent on an initiation to Chymistry. These ensure liberation of the intellect from those prejudices, which are frequently attendant on persons otherwise accomplished, and when these advantages have not been enjoyed.

Of the studies which formed this curriculum, it most generally happens, that the Student is more particularly attached to one or other branch ; and it is pleasing to see him coming forward and contributing his mite, on his favourite subject, in the form of lectures, for the instruction of his fellow-men ; and it is well known, that of the various Literary and Scientific Institutions throughout the kingdom, the Medical practitioner has either been the founder, or is, at all events, a principal supporter.

As Dr. Johnson, in his journey to the Hebrides, alludes, in one of his finest passages, to the then deserted Iona, as a hallowed spot, where the infant scintillations of literature were cherished, and which have since burst out into so glorious a flame ; so will this body of men, though, from temporary circumstances unable to betake themselves to its cultivation to the extent they could wish, by a future generation, be considered, as the sacred depositaries of science, who have, by their countenance and encouragement, preserved her from extinction ; for wherever she found a Medical practitioner, and in what district, however sequestered, can she not, there she had a votary.

There might be both a greater depth and variety of attainment, in the various branches of science, among this body, were there not an impression abroad among its members, and which is extremely just, that a devotional attachment to any of the collateral branches of Medical science, as Botany, Chymistry, or Comparative Anatomy, rather militates against, than promotes their advancement in their profession ; and, there are, in this country,

many and distinguished instances, who have found to their cost, that an undeviating attention to their every day duties, is the surest path, if not to eminence, at all events, to wealth.

The first remark that is supposed to be made at the expense of the devotee, is, that he must have plenty of time who can thus devote much attention to matters of science ; plenty of time presupposes limited practice ; and inconsiderable practice seems to imply, though often erroneously, mal-desert. Again, the practitioner devoted, to scientific pursuits, is judged to consider the interests of his patients only as a secondary matter—an impression, which, provided it obtain dissemination, is sufficient of itself, to crush his prospects, supposing his career may have commenced under circumstances the most favourable.

Having made these few observations on the claims of the Medical profession on public respect, and even gratitude, it may now be proper to inquire whether these arduous and deserving services have met with the due requital.

First, with respect to the distinction of title, the Medical profession cannot be said to have come in for its due share. It is true it can enumerate, in its numbers, five or six raised to the Baronetcy, and a few Knights ; but, in the name of goodness, what can be the reason, why an elevation to the Peerage should not be the reward of Medical attainment, when we see that distinction frequently conferred on indifferent Generals and second-rate Lawyers ?

Leaving, however, out of consideration the distinction of rank, of which, by the way, there is no class of men more unambitious, their services seem nowhere to meet with that encouraging liberality, which is often shown to others of a less important nature. Let the following fact be stated as a proof of this :—

In the Lunatic Asylum of the first manufacturing county of England, the salary of the Physician is £100 a year, while the salary of the Chaplain is £300. Now, without underrating or undervaluing the services of the Religious officer, in this instance, to any one who views the matter as he ought, the Physician should have the greater salary, as his services to an Institution of

the kind are all-important ; while the attachment of a Chaplaincy, in the establishment alluded to, seems a matter of very questionable utility ; as the Parish Church is in the immediate vicinity ; and as the inmates, who, are sufficiently recovered to be able to appreciate religious instruction, might be sent thither with the greatest possible benefit.

But the object of these observations was to administer a hint to legislative wisdom, that, in the various provisions for public service which this country has munificently allotted, it has passed over the deserts of the Medical practitioner ; less, no doubt, from any inclination to do so, than from actual ignorance of the real state of the profession. And, without wishing to propose any detailed plan on the subject, the Author is humbly of opinion that public munificence could not be more judiciously displayed, than by providing for the respectable maintenance of such members of the Medical profession as have arrived at the age of 60, and who have been in creditable practice twenty-five years.

Not that he would ever wish to see his brethren considered in the light of eleemosynary objects. No. He is certain that, as well as his own, their feeling is quite against it. Let them, however, have, on the state, for services rendered, and to the extent he has above described, a specific claim of £200 a-year.

He is quite sure, from the high feeling that pervades the profession, that, in the event of such a claim being allowed, a very few would be found to avail themselves of it. Let it, however, be their just right, to claim it if they please.

The Author has now done with his subject ; though, as the indulgent reader will perceive, has by no means exhausted it. And he only wishes that the task had fallen to the lot of some abler pen, to do the necessary justice to the claims of a body of men, than whom, collectively, or even individually, there is no class more deserving of the respect of the community.

CORRESPONDENCE

WITH

THE NATIONAL BOARD,

ON THE SUBJECT OF

THE TRUST DEED

OF

THE NATIONAL SCHOOLS.

DUBLIN :

GRANT AND BOLTON, 115, GRAFTON STREET.

LONDON: FRANCIS AND JOHN RIVINGTON.

1845.

Thomas I. White, Printer, 45, Fleet-street, Dublin.

CORRESPONDENCE,

&c. &c.

LETTER FROM THE SUPERINTENDENT OF THE DISTRICT TO THE BISHOP OF MEATH.

DUNLEER, SEPT. 7, 1844.

MY LORD,

An application having been made to the Commissioners of National Education for aid to build a National School on Boyerstown chapel ground, contiguous to which, I understand, you have property, I beg leave to inquire whether, if applied to, you would grant a site for a National School in that locality.

The Commissioners refuse to grant aid for building schools on church, chapel, or meeting house ground, unless in cases where it is proved that sites could not be procured elsewhere; and it is to enable them to decide on the case referred to, that, according to my instructions, I make this inquiry of your Lordship,

I am, my Lord,

Your Lordship's most obedient servant,
M. COYLE, Supt. N. Schools.

Right Rev. Dr. Stopford, Bishop of Meath.

LETTER FROM THE ARCHDEACON OF
MEATH TO THE SUPERINTENDENT.

SIR,

Archdeaconry, Kells,
Sept. 19, 1844.

I have been informed by the Bishop of Meath that he has received a letter from you, inquiring whether his Lordship would make a grant of land for a site for a school-house near Boyerstown, in the parish of Ardbraccan. In reply, I beg to state that the Bishop's land in that neighbourhood has been leased to me; I have tenantry on the lands amounting to above 250 individuals, and, being anxious for their improvement, I have it in contemplation to establish an elementary and agricultural school on the most approved system: I intend to grant land, and to subscribe liberally for the purpose. I am willing to co-operate with the Board of National Education, provided a satisfactory arrangement can be made between us for the management of the institution; I am ready to enter into communication with them for the purpose, and I request that no further steps may be taken for building a National School at Boyerstown, without further communication with me on the subject,

I am, Sir,

Your obedient servant,

EDWARD A. STOPFORD.

To Mr. M. Coyle, Supt. N. Schools.

This letter having been misdirected to Duleek, a copy of it was sent by me to the Board, on the 1st of October, to which they made the following reply:—

Education Office,
Oct. 11th, 1844.

SIR,

Having laid before the Commissioners of Education your note of the 1st instant, we are directed to state, that if you are desirous of obtaining aid from them, towards the erection of a National School-house, upon ground which you can give for the purpose, we shall be happy to transmit to you the forms of application, and the case, after the superintendent of the district shall have reported upon it, will be considered upon its own merits, like all other applications, from whatever locality they may be received.

The usual practice of the Commissioners is to decide upon each application according to the order of its date.

We have the honour to be, Sir,
Your obedient servants,

MAURICE CROSS, }
JAMES KELLY, } Secretaries.

The Archdeacon of Meath.

The application was then made, containing, besides the usual particulars, these passages—"Besides the acre of land which I propose to grant as a site for the school, I will give such quantity of land as may be required for the purpose of an agricultural school, but this land I do not purpose to convey to trustees until the working of agricultural schools shall have been tested by experience. I propose to teach to the boys the management of small farms, and to the girls the care of a dairy and washing."

"I make this application with a view to unite children of all persuasions in one school, an undertaking in which I can shew that the foregoing proposal is well adapted to succeed."

The superintendent then called on me about the 18th of December, to obtain answers to the usual queries. The result of our interview is stated in the following letter to him.

Archdeaconry, Kells,
Dec. 20, 1844.

SIR,

According to my proposal, I proceed to state with exactness the grounds on which I refused to execute the trust deed, a copy of which (as contained in the 10th Report) you presented to me.

I stated that I had been led to believe that the trust deed was merely intended to secure the observance of the existing rules of the Board, and you confirmed me in the impression. Now, it appears to me, that the trust deed requires to be altered in order to effect its object, inasmuch as in two important particulars it would bind me, not to the existing rules of the Board, but to former rules of the Board not now in force, and to stipulations which have been entirely withdrawn from the rules.

For convenience of reference I use the copy of the deed in the 10th Report, (octavo) which you left with me.

The first passage which I object to is this, (page 20, line 32, &c.,) "That each and every school to be kept

and established on the premises hereby demised, shall be kept open for a competent number of hours in each day; and shall, during said days, be used for *moral and religious education only:*" I acknowledge that the rule given in the first Report of the Commissioners did contain such a stipulation, and justified its being inserted in the deed. But I find that in the fourth Report, vi. 34, &c., the Board proposed to alter the letter of that rule, in order to satisfy those who were conscientiously opposed to them. That alteration the Board then defined to be, that whereas the letter of the rule formerly excluded religious instruction from those hours during which all the children attending a school are assembled for common instruction," they now proposed "to modify the letter of the rule so as to allow religious instruction to be given *during any of the school hours*" on certain conditions.

Now, the passage which I have quoted from the trust deed denies me the benefit of this modification, and requires me to bind myself to observe a stipulation which the Commissioners profess to have withdrawn out of consideration for our conscientious opposition.

Again, (page 20, line 12 from foot of page,) "provided always, and it is the true intent and meaning of these presents, that when any course of religious instruction is to be pursued in any such school as aforesaid during school-hours, to which the parents or guardians of any of the children attending such school shall object, an arrangement shall be made for having such instruction given to those who are to receive it at a stated time or in a separate place, so as that no

children, whose parents or guardians object to their being so, be present at it." To this clause also I object. There was such a passage in a former rule of the Board, but it has been excluded from the existing rules, and its place supplied by a different passage, and it is therefore improper to be introduced into a deed which is merely designed (as I am assured) to secure the observance of the existing rules of the Board.

It is true that an important, though perhaps apparently trivial change, which has been made in this clause in the copy which you presented to me partly removes my objections to its substance. In the deed, as given in the appendix to the ninth Report, the conditions *at a stated time, in a separate place*, were connected by the copulative *and*; in the copy you have presented to me by the disjunctive *or*. This makes an important practical difference, for thus I should be bound only to observe either of those conditions, and not both together; and my objection is so far weakened, but not removed, for the Board having altogether removed the stipulation in question from their rules, and having supplied its place by another and a different rule, I maintain, that, according to my impression of the purpose of the deed, which you admit to be correct, the trust deed ought to bind me to the existing rule of the Board, and to that only.

The rule which ought to stand in the place of the clause to which I object, is Par. 3, Sect. II. in the copy of the rules you presented to me.

Considering the trust deed as a legal document, it ought to be free from all ambiguity: its meaning

ought to be put beyond question. There is a sentence in the rule above referred to, which does not seem sufficiently definite for a legal instrument. The sentence to which I allude is as follows—"That no child be compelled to receive, or be present at, any religious instruction to which his parents or guardians object." This, as I understand it, might mean either—that no child be compelled to receive, or be compelled to be present at;—or it might mean—that no child be compelled to receive, or that no child be present at, &c. There is an important difference between the two constructions of the sentence. I would bind myself to the former ; I would not bind myself to the latter. I do not know to which construction I should be legally bound, if the rule was inserted in the deed as it now stands ; and I would not, therefore, undertake to sign such a deed, unless the construction of that sentence was so altered, as to put its meaning beyond the possibility of question.

With respect to the stipulation "that the titles of all books which are intended to be used in the ordinary school business, shall be reported to the said Commissioners. And that no other books shall be used in such instruction, save and except those which are so reported and sanctioned by such Commissioners as aforesaid," I would agree to be bound by the unanimous judgment of the Commissioners, as to the fitness or unfitness of a book for common or united instruction ; but I would not admit the right of any parent of any child attending a school under my management to interfere with the selection of books

to be used. Much less would I submit to any parent having a right to forbid, for common instruction, books which the Commissioners consider fit for the purpose. I object to it, on the ground that the representatives of all persuasions are the fit persons to determine what instruction may be given to all in common. Whereas, to admit the principle that each individual, of each persuasion, however bigotted or intolerant he may be, is entitled to exclude from the common instruction any thing which he dislikes, although sanctioned by the unanimous consent of such a board, destroys the only foundation on which united education can proceed ; and as my object is to promote united education, I would decline to admit so vicious a principle into any school under my management.

I do not look upon the clause I have quoted from the trust deed, as necessarily involving such a principle : it does not appear to assert any right in parents to exclude from common instruction what the Board have pronounced unobjectionable for the purpose ; but as a rule of the Board, Sect. II., par. 8, does sanction such a principle, I feel called on to say that I would not bind myself to it. Nevertheless I would not object to the clause in the deed, on the understanding that what the Board unanimously recommend to be used in common instruction, should be considered to be sanctioned by them for the purpose: and this, I trust, will not be considered unreasonable.

These are the grounds which I feel called on to state to you, in justification of my declining to execute the

deed as it is, and in support of my request that it may be altered.

There is another topic connected with the deed on which it seems more fitting that I should address the Commissioners through their Secretaries, if they should be disposed to give a favourable consideration to what I have here submitted through you.

I remain, Sir,

Your obedient Servant,

EDWARD A. STOPFORD..

To Mr. M. Coyle, Sup^t. N. Schools.

This letter, with the Superintendent's report on the application, was forwarded to the Commissioners some time early in January last ; and on the 5th of March I wrote to them as follows :—

Archdeaconry, Kells,
March 5, 1845.

SIRS,

I beg to call the attention of the Commissioners to an application made by me in December last, for aid towards building a School at Redcommons, in the parish of Ardbraccan, and county of Meath.

With reference to that application, the Superintendent called on me, I think, about the 18th of December, and presented to me a copy of the trust deed which the Commissioners required me to execute. That deed I refused to sign, on the ground that it was not drawn as I had a right to expect.

I required that the old rules, which the Commis-

sioners had withdrawn from their regulations, should be withdrawn from the deed, and that the existing rules of the Board, cleared of ambiguity, should be introduced in their place ; and I stated my objections and reasons in a letter to the Superintendent, dated December 20th, which he promised to lay before the Board. Some little delay subsequently occurred in procuring proper persons to act as trustees ; but the matter was before the Board early in January.

Many other persons as well as myself are anxious to learn whether the Commissioners will consent to withdraw the deed to which I object, and to prepare a new one ; and as the question is of grave importance, I trust the Commissioners will consent to consider and decide upon it without further delay.

I have the honor to be,

Your obedient Servant,

EDWARD A. STOPFORD.

To the Secretaries of the
Board of National Education.

To this I received the following reply :—

Education Office,

7th March, 1845.

SIR,

We have had the honor to lay before the Commissioners of National Education your note of the 5th instant, requesting to know their decision upon your application for aid towards building a School-house at Redcommons, in the county of Meath ; and also your letter of the 20th of December last, ad-

dressed to Mr. Coyle, the Superintendent of the District, in reference to the trust deed, and the rules of the Board.

We are directed to acquaint you, in reply, that as the Commissioners perceive from your communication to the Superintendent, that amongst other objections entertained by you to their regulations, you cannot bind yourself to Rule 8, Sect. II., with reference to the use of the Scripture Lessons, and as that rule must be strictly observed in every National School whatsoever, the Commissioners decline to comply with your application.

We have the honor to be, Sir,
Your very obedient Servants,

MAURICE CROSS, }
JAMES KELLY, } Secretaries.

The Archdeacon of Meath,
Kells.

Archdeaconry, Kells,
March 11, 1845.

SIRS,

I have to acknowledge your letter of the 7th, containing the decision of the Board on my letter of December 20, to Mr. Coyle. Having carefully considered that decision, I beg leave to bring my application again under the consideration of the Commissioners, with the following explanation.

In my letter to Mr. Coyle, above referred to, I refused to sign the trust deed presented to me for reasons which I stated: at the same time I stated my

objection to a rule, No. 8, Sec. II. That objection did not arise upon the wording of the deed, and I might have been silent respecting it until after the deed had been executed, and the school-house built.

And I had some inducement to adopt this course, for I could not but perceive that by stating my objection to that rule, I put it in the power of the Commissioners to avoid giving an answer to the question I had raised respecting the trust deed, a question seriously affecting the administration of the National System.

I felt, however, that the only hope of dispelling the suspicions which now prevent many from co-operating with the Board depended on the adoption of a candid and straightforward course on both sides, and I resolved to state my objections with the most perfect candour, notwithstanding any inconvenience it might occasion, trusting that the Board would with equal candour deal with the whole case which I had brought before them.

The Board have, however, passed by the important question of the trust deed, and have refused my application on a minor objection, which I might have withheld.

I have now re-considered the subject, I have resolved to go every possible length to co-operate in the education and improvement of my tenants under the National System. I know how necessary it is that I should do so—I cannot retract my opinion respecting the false principle which I conceive has been introduced into the rule in question; but it involves not so much a violation of my principles as of the principle of a

mixed Board for united education. I have therefore made up my mind to withdraw this part of my objection, and to take the deed as it is, as respects this rule, reserving to myself the right of seeking the modification of the rule hereafter from the government or from parliament, and in the meantime acknowledge in the Commissioners the same right and power to enforce it which they now possess in any other school.

Having now removed all extraneous matter from my refusal to sign the deed presented to me on the part of the Commissioners, I trust that they will re-consider my application and come to a decision on the merits of the question, that question being whether the Commissioners will withdraw the deed presented to me, and prepare a new one not liable to the same objection.

I have the honour to be, Sirs,
Your obedient Servant,
EDWARD A. STOPFORD.

Education Office,
March 29, 1845.

SIR,

We have had the honour of laying before the Commissioners of National Education your note of the 11th instant, requesting them to re-consider your application for aid towards erecting a school-house at Redcommons, county Meath, and to decide upon your proposal that certain alterations should be made in the form of the trust deed, a copy of which was presented to you by the superintendent of the district.

We are directed by the Commissioners to acquaint you, in reply, that the trust deed has not hitherto been complained of as inconsistent with the rules of the Board, or as open to any reasonable uncertainty. But if the Commissioners see reason to think that it requires alteration as to the wording of any part of it, they will apply for the opinion of her Majesty's law officers thereon, and will avail themselves of their guidance.

This, however, must be a matter for grave and mature deliberation.

With respect to your own present application, the Commissioners think it right to remind you, that they and the patron of any National School connected with the Board, must be viewed as parties co-operating (as far as regards that school) towards a common object; and there can be no hearty or useful co-operation between them, when one of the parties is utterly hostile to any of the fundamental principles of the system maintained by the other. Now, the regulation of the Commissioners respecting the Scripture lessons, which, in their view, involves a fundamental principle, you still continue to denounce as vicious and inconsistent with the character of a united system of education; and you indicate your design of seeking from government or from parliament an alteration of the system as to that essential point: besides which your letter affords ground, in one part of it, for inferring, or at least for suspecting, that it would be, in your opinion, not altogether unjustifiable for a person to receive a grant from the Board while

concealing his objection to some of the rules, and designing afterwards to disregard them in practice.

The Commissioners therefore feel that they can anticipate no cordial and efficient co-operation from you in the management of any National School, but rather mutual distrust, continual disputes, and perhaps troublesome litigation; and this feeling is strengthened by the circumstance of your having openly, in a pamphlet, imputed to the Commissioners conduct the most disingenuous and base.

No confidence whatever can reasonable be felt in the persons on whom such imputations are *deservedly* cast, or in the author of such imputations if they are *groundless*. On either supposition, therefore, it is most undesirable that parties so circumstanced should have any dealings together.

The Commissioners accordingly direct us to say, that if you wish to have a National School established for the benefit of your tenantry, the application must be made, and the whole management of it conducted, by some other persons, between whom and the Commissioners the requisite degree of mutual confidence, and sincere co-operation may reasonably be hoped for.

We are to add that the absence of some of the Commissioners has prevented the Board from coming to an earlier decision upon your last communication.

We have the honour to be, Sir,
Your very obedient servants,

MAURICE CROSS, }
JAMES KELLY, } Secretaries.

The Archdeacon of Meath.

B

Archdeaconry, Kells,
April 23, 1845.

SIRS,

Occupation has prevented my sooner acknowledging your letter of the 29th of March, in reply to mine of the 11th.

I learn with satisfaction, that the question of the trust deed has engaged the attention of the Commissioners, and I anticipate a satisfactory result from its being submitted to the law officers of the crown. Some particulars, however, essential to be laid before them, have not yet been noticed; these, if required, I am ready to supply.

The Commissioners have, however, again rejected my application, and the grounds on which they have done so require some notice from me. "They and the patron of every National School must be viewed as parties co-operating (so far as regards that school) towards a common object;" to this I entirely assent: "and there can be no hearty and useful co-operation between them when one of the parties is utterly hostile to any of the fundamental principles of the system maintained by the other." With regard to the common object, and *all principles* in furtherance of which the co-operating parties have positive functions to discharge, I acknowledge this to be true. But I cannot see how it can apply to a prohibition against doing a particular act; such a rule being wholly negative, co-operation respecting it, in any proper sense of the word, is of course impossible, and any basis of co-operation respecting it unnecessary beyond a mere agreement not to do that act.

Still less do I see how this can apply to the prohibition in question. You say "Now the regulation of the Commissioners respecting the Scripture lessons which, in their view, *involves a fundamental principle*, you still continue to denounce as vicious and false in principle, and inconsistent with the character of a united system of education." Now, I beg to remind the Board that the principle on which I wish to act is expressly sanctioned in that letter of Lord Stanley to the Duke of Leinster, "under which the Board was originally established," (8th Report) viz. "It is not designed to exclude from the list of books for the combined instruction, such portions of sacred history, or of religious or moral teaching as may be approved of by the Board."

And the Board did for several years "earnestly recommend" all patrons and teachers to adopt that very course which I now wish to adopt.

And seven years after their establishment, they described their practice in exact conformity with my views; "by a perusal of the Commissioners' regulations you will perceive that they are totally silent with regard to this book, leaving its use or non use, *as they do of all their other books*, wholly for the discretion of those locally interested in the management of the School."

Now, if the Commissioners will allow me to act on Lord Stanley's letter,—on their own former recommendation,—on their own rules as described by themselves,—then I will withdraw all that I have written either in public or in private on this subject.

But if the Commissioners will not consent to this, are they prepared to tell me that the *alteration* which

they have made in this particular "involves a fundamental principle," so that those who approve of the principle of Lord Stanley's letter, and disapprove of nothing but the alteration of it, are thereby disqualified from co-operating with the National Board, even though their desire for united education disposes them to submit to the alteration which they cannot but disapprove?

The Board have yet another reason for rejecting my application; "Your letter affords grounds for inferring, or at least for suspecting, that it would be, in your opinion, not altogether unjustifiable for a person to receive a grant from the Board, while concealing his objections to some of the rules, and designing afterwards to disregard them in practice." If this *cannot* be inferred from my letter (which the Board seem to admit) then why *suspect* it?

It is true I did apprehend (and it appears, not without reason) that information respecting the trust deed might be withheld from the public, if I stated my objection to this rule, in the same letter in which I objected to the trust deed. Yet I risked this inconvenience, and I have stated that I did so knowingly, rather than incur the appearance even of keeping back an objection until after the grant had been made; and I cannot understand what right the Board have to say that they *suspect* that I would do, what they have seen that I would not do; and which I have expressly disclaimed;* "We would not take a grant with the intention of not observing the rules." (Report, p. 50.)

* In my letter to Mr. Coyle, I stated expressly, that although the wording of the deed did not bind me to this principle, yet, "as a rule of the

But the Commissioners further reject my application because "I have openly in a pamphlet imputed to the Commissioners conduct the most disingenuous and base." The words are not mine, nor the charge. I have the satisfaction of believing that one of the Commissioners at least does not consider that pamphlet either as offensive to himself, (and who would offend him) nor yet injurious to the true interests of united National Education. It was not intended to be more offensive to any other individual.

In my report, to which you allude, I have neither imputed motives, nor brought an accusation; I have simply stated facts,—as they appear to us, and as they appear to bear on the interests of the church.

If the Commissioners will consider my position, they will see that the publication of this pamphlet was forced upon me by themselves. I had already exerted myself in removing the objections of the clergy, and inducing them to connect their schools with the Board. Finding in the rules and other documents, ambiguities and difficulties, seriously involving the interests of the church and the conscientious convictions of the clergy, I was bound to seek explanation, and failing to obtain it, I was bound to give notice of those difficulties to those whom I had sought to influence; and being refused all explanation, even when explanation was called for, and rendered to the government, it was my duty to point out to the public every circumstance which shews the necessity of that explanation, without which the clergy will not be satisfied.

Board does sanction such a principle, I feel called on to say that I would not bind myself to it.

Whether I have exceeded the usual liberty of stating the public acts of a public Board, or whether the Board are entitled to complain of such a statement being made, it is now for the public to determine. I have received letters innumerable, from men high in station, and in public estimation, approving of the course I have pursued.

Your letter says of my statements, "No confidence whatever can be reasonably felt in the persons on whom such imputations are deservedly cast, or in the author of such imputations if they are groundless." If the matters be thus grave, why will not the Commissioners set us right concerning them? Explanations have been given to government: those explanations, if granted to us, might have prevented the statements being made. Nothing else can now decide their merits.

One topic, however,—a chief topic,—of that pamphlet, the Commissioners have noticed. In my letter to Mr. Coyle, of Dec. 20, upon the reconsideration of which your letter was written, the objections made in that pamphlet to the trust deed are stated, and the alterations which it points out are asked for. The whole tenor of your letter proves that the Board would have indignantly denied that statement, and refused that request, if they could have ventured to do so. Yet they have not done either. That statement is found to deserve the consideration of the law officers of the crown.

In that same pamphlet, the Board will find other statements equally deserving of consideration.

Your letter adds, "It is most undesirable that parties so circumstanced should have any dealings together." In reply to this I say, it is desirable that all parties should co-operate for the united education of the people—an object which appears to be forgotten. The circumstances which seem to the Board to render that co-operation undesirable in this case, might have been prevented, and might still be removed. I confidently anticipate that if I have fallen into any error, the cause of that error will be found solely in the refusal of explanation, or the withholding of documentary evidence. In any such case, I am willing to repair the error ; and such an amendment, on proper explanation being afforded, would restore us to a position in which we might yet co-operate in that great object for which the Board was established, and in which they never will succeed, until they obtain the co-operation of all parties.

Once more I invite the Board to obtain the co-operation of a large and influential portion of the clergy. Let them even now make known to us those satisfactory explanations which they profess to have afforded to government, respecting the difficulties which we feel in our way towards co-operating with them.

If they refuse to do this, can they expect our co-operation ?

And here I feel bound to state to the Commissioners what I have found to be the prevalent opinion among all classes of persons with whom I have had communication upon the subject, that there is

somewhere a secret desire and intention to exclude the clergy from the National system. And this conviction is not confined to the opponents of the Board, but has been most forcibly stated to me, by highly influential persons who have their Schools under the Board, and who propose their own example to the clergy as a means of defeating that secret policy.

I am not asserting this opinion ; I am stating its prevalence as a fact, in order that the Board may take the means I have suggested, the only available means, of correcting it. I look in vain in all my correspondence with the Board, for any expression, or word, which could be made available for counteracting the impression ; and I feel certain that the result of this application will be taken as conclusive proof of the fact, unless the Board will yet consent to give us that explanation concerning our difficulties which they have given to government.

You are further directed to say, that "If I wish to have a National (Agricultural) School established for the benefit of my tenantry (for which, of course, I am to give the money and the land) the application must be made, and the whole management of it conducted by some other persons, between whom and the Commissioners, the requisite degree of mutual confidence and sincere co-operation may reasonably be hoped for." The proposal does not deserve notice, except as it leads me to consider whether such patronage as the Board are likely to obtain, and in which they would confide, would answer the purpose I have in view. I am certain that under the circumstances

of this application; the Board cannot hope to obtain in that neighbourhood any other co-operation than what they now possess in a National School immediately adjoining the lands in question. I freely acknowledge that the patronage of that School is as respectable, and I believe the School to be as respectably conducted, as the generality of National Schools in this country ; but I must decline granting land and money to it, on the terms of being wholly excluded from any concern in its management. And in illustration of this my determination, I enclose a printed hand-bill, lately circulated in the neighbourhood, which probably applies to the National School, as the inhabitants are not aware of any other School-room on the lands.

I have the honour to be, Sirs,
Your obedient Servant,
EDWARD A. STOPFORD,
Archdeacon of Meath.

The following is a copy of the hand-bill enclosed in the above :—

TO BE RAFFLED,
On Sunday, the 23d of February,
IN THE SCHOOL-ROOM, BOYERSTOWN,
A DOUBLE CASED SILVER WATCH.
Tickets 1s. each.

THE END.

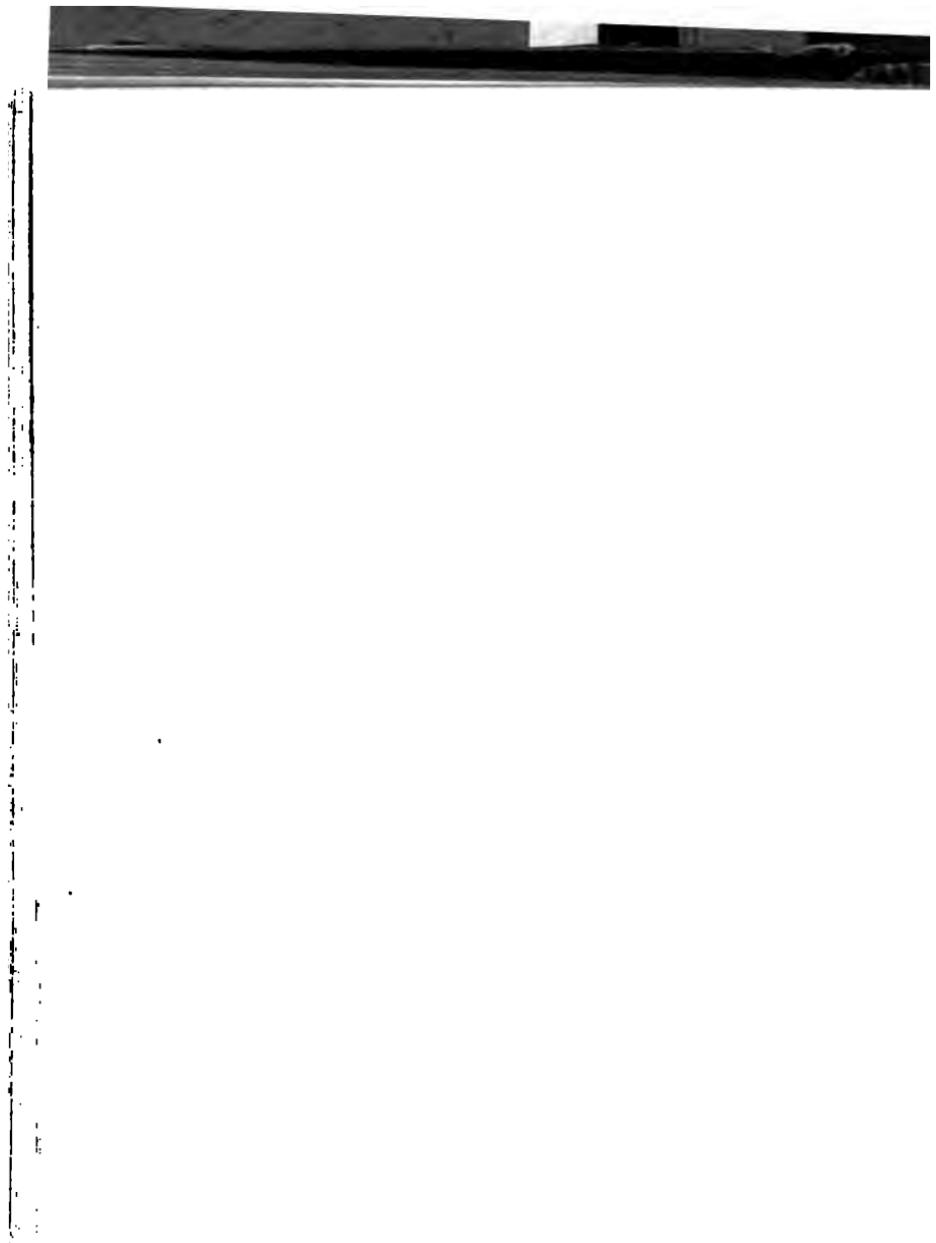
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100



LETTERS
ADDRESSED TO
THE RT. HON. LORD GRANVILLE SOMERSET;
THE RT. HON. FRANKLAND LEWIS;
THE RT. HON. THE EARL OF RIPON; AND
THE RT. HON. HENRY GOULBURN;
ON THE
Extraordinary Proceedings
CONNECTED WITH
THE *SUDDEN AND HITHERTO UNEXPLAINED*
DISSOLUTION OF THE LATE BOARD OF STAMPS;
WITH AN
ADDRESS TO THE BRITISH PUBLIC,
CONTAINING STRICTURES ON THE CONDUCT OF
SIR JOHN EASTHOPE,
AS PROPRIETOR OF
THE MORNING CHRONICLE.

BY JAMES SEDGWICK, ESQ.
CHAIRMAN OF THE BOARD.

LONDON:
JAMES RIDGWAY, PICCADILLY.
1845.



ADDRESS TO THE BRITISH PUBLIC.

To a man of active mind the being reduced to a state of pensioned inactivity is of itself no light evil. It is one that requires to be well justified by the circumstances which led to it. But to have been marked down for sacrifice,—to have been covered with obloquy by charges, which, while the Treasury acts upon, it makes no attempt to substantiate, and which were merely raised as a pretext for the preconcerted ruin of the object of them,—to have been deprived of the high official situation of Chairman by the sudden dissolution of the Board of Stamps, for which dissolution no reason was assigned, while every member, except myself, was compensated for his *deprivation of office*, as expressed in the terms of the Treasury Warrant,—to be thus excepted, without any cause being alleged, or any opportunity afforded me of being heard:—all this is an excess of oppression to which no man—no Englishman at least—can be expected to submit. There are cases—and this is one of them—in which remonstrance becomes a duty, and submission a crime.

If I am at length driven to appeal to the Public, it is because in this country—I grieve to say it—when power has once trampled you down, it will keep you down; and it is only through the public voice that your appeal has any chance of being heard.

It was as the organ of this appeal that I chose the *Morning Chronicle*. Before calling on the Editor, I enclosed him a copy of the printed “Particulars” of my case; the substance of

which it was my intention to embody in a series of Letters, preparatory to bringing the case before the House of Commons, on a motion for a Committee of Inquiry. On calling on him a few days afterwards, he expressed himself strongly as to the facts which the statement disclosed, and his readiness to assist my endeavour to obtain justice by laying those facts before the public. It was accordingly arranged that two letters should be inserted in each week, which would about finish them before the opening of Parliament, but should they extend into the commencement of the session that then one should be inserted, subject, of course, to its giving way to the press of temporary matter. More than this it would have been unreasonable to desire, and I felt fully sensible of the obligation which his kindness laid me under, as well as to the courtesy and good feeling which he manifested, and from which he has shewn no deviation.

On January 1st, the day after this interview, the first Letter appeared, and a second on the 6th; both these were addressed to the Editor. The third letter, which appeared on the 8th, was addressed "To the Right Hon. LORD GRANVILLE SOMERSET," to which the public attention was drawn by the following paragraph in another part of the paper:—

"We have felt it unnecessary to call the attention of our readers to the letters which appear in our columns from MR. SEDGWICK, the Chairman of the late Stamp Board, as this purpose is sufficiently answered by the very general interest they excite; indeed, they cannot fail to do so, looking to the facts they unfold. The public is itself a party in every case of persecution like the present, where the individual has faithfully served it, and has been made to suffer, as MR. SEDGWICK has, in its cause. His letter to LORD GRANVILLE SOMERSET, in our columns of to-day, will not fail to be read with interest."

Nothing could more strongly attest the sincerity and good

faith of the Editor, and the confidence with which its continuance might be relied upon. Three letters had been inserted within eight days, but on the appearance of this *third* letter there was a sudden halt. Eight days passed, and the fourth letter, which had lain during that period at the office, was not permitted to appear. From that moment I had a misgiving that this delay was not accidental, and that some secret influence was at work. Whatever its nature might be, or from whatever quarter it came, I was quite satisfied the *Editor* was no party to it, and I wrote him a friendly note, saying, that I was bound to assume that there was some sufficient reason for the interruption that had occurred, but that I trusted it was not likely to recur. On the following day, (the 18th,) the fourth letter appeared, addressed, as was the former, to **LORD GRANVILLE SOMERSET**, and I began to think it possible that my misgiving was premature. But a further lapse of nine days occurring, confirmed it, because I foresaw, that if the intervals were made thus far between while Parliament was not sitting, they would be much wider when it assembled, and that I should be pressed so near to the end of the session, that the purpose with which they were written would be defeated. Upon my again addressing the Editor, two more letters appeared, (the fifth and sixth,) the Session then commenced, and they were abruptly and at once put an end to.

Had the press of parliamentary matter made this unavoidable, which was not the case, (on a Monday especially,) I should not have complained; but their partial discontinuance before the session, and their positive discontinuance afterwards, was proof sufficient that the matter had been previously concerted, and that the irregularity which took place after the first letter to **LORD GRANVILLE SOMERSET** was the signal of what was to follow.

The breaking off my communication with the public thus suddenly could not fail to throw a mystery over my views in

having commenced it. It exposed them to every sort of misconstruction. It left me at the mercy of any motives to which my oppressors might ascribe it. SIR JOHN EASTHOPE, as the proprietor of the *Morning Chronicle*, had no right, by his personal interference, to place me in this position. To whatever persuasion, whether of interest or expediency, he may have yielded, he was not justified in thus delivering me into the hands of those from whose relentless injustice I had been for eighteen years struggling to rescue myself.

It may be true, as he affirmed, "that it was one of those cases of hardship which a Minister would, without difficulty, get his majority to make light of;" but if this be true—as he laboured hard to convince me,—the less excuse was there for his paving the way to it.

Previously to adopting the course to which I have been constrained to resort, that of publishing in their present form the remaining letters which, by his interference as proprietor, he had suppressed, I addressed to him the following letter :—

“ Kensington, April 8, 1845.

“ MY DEAR SIR,

“ The Easter recess being at an end, I have thought it unnecessary that my last letter should remain any longer at the office, and have accordingly withdrawn it.

“ The equivocal position in which you have been pleased to place me, by abruptly putting an end to the insertion of my letters, I do not consider as at all justified by the reason alleged at my interview with you in Grafton-street. You say that it was the thorough conviction that their insertion would avail nothing, that induced you to desire the Editor to discontinue their insertion, and to throw the responsibility upon *you*.

“ That a certain responsibility attached to the act is evident upon your own admission. It will be for *you* to relieve yourself from it by any explanation you may deem satisfactory ; it will, at the same time, remain for *me* to relieve myself from

▼

the consequences of it, which I can only do by a public statement of the fact, accompanied by the observations which it appears to me to call for.

"I wrote to Serjeant Wilde about ten days ago, and expressed to him very frankly my opinion as to the supposition by which I considered you to be influenced in breaking off my further communication with the public through the medium of the *Chronicle*, and leaving me at the mercy of whatever unfavourable conjectures the fact might give rise to. This letter the Serjeant has my free consent to shew you, or to acquaint you with its purport, as his doing so will at once possess you of my sentiments, and of the course it is my intention to pursue.

"I have the honour to subscribe myself,

"My dear Sir,

"Your most faithful and obedient servant,

"JAMES SEDGWICK.

"To Sir John Easthope."

The note which I received from him in reply is so *unique* in its kind, and is so logical withal, that it would be wronging his reputation to withhold it.

"Firgrove near Weybridge, 9th April, 1845.

"DEAR SIR,

"Indisposition has prevented me sooner acknowledging your letter of the 7th instant. The only excuse I can suppose for such unfounded and misapplied complaints as those contained in your letter is that continued reflection upon your grievances, so weakens your usual good understanding as to enfeeble your judgment.

"I am, dear Sir, your most obedient servant,

"JOHN EASTHOPE.

"To J. Sedgwick, Esq."

This precious document reminds me of the reasoning of IKEY SOLOMONS.—"Why really, gentlemen, the man that can bring such an out-of-the-way charge as this against me must

be beside himself." This was, certainly, a bad precedent to copy from, but the plagiarism is in every way pardonable.

A few words remain to be said as to the conviction upon which "the *Newspaper Baronet*"—as he is called,* avows himself to have acted, that mine is one of those cases "which a Minister would without difficulty get his majority to make light of."

This assertion I am not at all disposed to contradict. As a member of the Collective Wisdom—though contributing nothing to the common stock—his word, as to this, may be safely taken. He is behind the scenes, and is so far a competent witness. Government, however, will not thank him for maintaining so reproachful a truth. That under the most tyrannical oppression a British subject will in vain turn to Parliament for relief—that even his prayer to be heard in his defence will be of no more avail than an invocation to the north wind—all this may be but too sad a reality. The information, however, adds nothing to the knowledge of the *few*; and the proprietor of the *Chronicle*—as one of the initiated, will do well not to reveal it so incautiously to the *many*.

* From obtaining his baronetcy through a certain Whig Minister, as the reward of having lent his *Chronicle* to the support of war politics, in the affair of SYRIA. When a Stockbroker is created a Baronet, and for such a service, *the MAN* is not elevated, it is *the ORDER* that is lowered.

LETTERS.

LETTER I.

TO THE EDITOR OF THE MORNING CHRONICLE.

SIR.—A long period has elapsed since my letters to Sir THOMAS WALLACE, chairman of that Commission of Revenue Inquiry on whose report the Board of Stamps was dissolved, appeared in the pages of the *Morning Chronicle*. Within that interval we have had—what the most sanguine patriots never expected to see—a Reform Ministry. That ministry passed a measure which did more to strengthen the fibre of the popular mind than the most veteran combatants in the cause could have hoped. It took the lead out of the hands of that party in the state which, from of old, had abused it. It did this by subjecting them to the restraint of public opinion, which, aforetime, they had either disregarded or defied.

Within that interval, too, another event has occurred, which it is more to my present purpose to notice. I advert to the impressive, upright, fearless opinion delivered by Lord Chief Justice DENMAN in the memorable case of “Stockdale v. Hansard,” an opinion which not only fixed a due responsibility upon Commissioners of parliamentary inquiry, but coming from such high authority, brought that responsibility at once and efficiently into action. It put an end, I trust for ever, to such reports as that to which I have adverted. No public board can ever again be dissolved through such agency, or by such instruments.

A parliamentary Commission of Inquiry is a much more potent instrument to work out the purposes of power than it is usually imagined to be. It may be applied to the best purposes; it may be perverted to the worst. There are no disclosures which it may not be employed to stifle; no investigation which it cannot be made to defeat. As an engine of individual oppression, it is at once the most effective and the

most secret. I speak from experience, and I am about to put my testimony on record.

Great care has been taken that nothing should at any time transpire as to the cause which led to the dissolution of the late BOARD OF STAMPS. It was an act of authority that had no precedent, and has no parallel. All that relates to it has been studiously mystified—the haziness of the Inquisition has hung over it. But the time has come for bringing the acts and proceedings which prefaced that measure into the broad sunlight.

As the matter will be brought before Parliament early in the approaching session, on a motion for a committee, it will be necessary to elucidate the case fully beforehand, that when the debate comes on its details may be well understood; for unless the public mind is previously prepared for the discussion, it can take no adequate interest in it, and manœuvring of every kind will be resorted to, and misrepresentation will have its perfect work.

We have the authority of CICERO for affirming that truth is mighty and will prevail, and in the days of that illustrious orator it might have been so; but in these days it stands no chance; equivocation and falsehood will beat it out and out. It is in vain that you oppose the shield of integrity to the shaft of power. How little do the people know what harassment that man is made to suffer who is honest enough to serve them. How many are there that, wronged and ruined, have worn away their health and wasted their days in ineffectual appeals to government for redress! How many are there, at this moment, whose grievances are disregarded and whose claims cannot get a hearing! The history of such men comes too often before the world. Some, driven to despair destroy themselves; others, driven to madness, destroy their oppressor.

But this subject is too serious a one, and I pass from it to the more immediate affair of the dispersement of the late Stamp Board. A board composed of members of irreproachable character, every way qualified, and admitted so to be, for the proper discharge of their duties, is abruptly and at once broken up, their commissions revoked, and persons wholly

strangers to the business of the establishment, and, of course, utterly ignorant of its details and mode of management, appointed in their stead. The public cannot but assume that so sudden and violent a step must have been rendered imperative on the part of the Treasury ; that some acts of grave delinquency, some long-concealed misdoings, must have been brought to light, which had made it impossible any longer to retain them in the public service. This was the natural conclusion that every one would come to. But then comes the important question—what *was* the real cause that induced this most extraordinary measure ? It is somewhat unaccountable that this question, which has been often urgently asked, has never yet been answered ! One fact is avowed—and it is a very remarkable one—that this unexampled exercise of power was in no way deserved by those who were the objects of it. This their lordships have themselves deliberately admitted. The admission is made under their own hand in the Treasury minute itself by which the board was dissolved, which states that :—

“ With respect to those members who will, in consequence of this decision, be displaced by the revocation of their commission, my lords are of opinion that it may be proper to assign to them, by way of compensation for the deprivation of their present offices, and while they shall continue unemployed in the public service, the following allowances.”

Their lordships then proceeded to assign to Mr. Hallam, (the historian of the Middle Ages,) to Mr. Kingstone, to Mr. Addington, (nephew of the late Lord Sidmouth,) and to Mr. Johnstone, the allowances respectively apportioned to them.

There is wherewithal here for reflection to pause over ; a lawyer-like glance at it will not do ; it is a Treasury mandate of no common kind, and merits an attention proportioned to the singularity of its nature and the seriousness of its consequences.

In the first place, *compensation* implies an injury inflicted. It is only on the ground of their commission having been undeservedly revoked, that they can have any claim to recompence. It is, in fact, a satisfaction in the nature of *damages*,

their lordships themselves being the jurors making the award. They place themselves in the very singular position of wrong-doers making a pecuniary recompence to the sufferers for the injustice towards them of which they have been guilty.

I come now to that part of this proceeding which more immediately relates to myself. In this grant of compensation my name was omitted. My lords, when assembled in the spirit of distributive justice, were pleased to put me out of court. Holding, as I did, the office of chairman of the board, with a salary of £1,500 a year, and an official residence, valued by their lordships' own estimate at £300, making in the whole £1,800 per annum, they declined going into any discussion upon my *quantum meruit*. Their lordships did not, indeed, get rid of it by moving the previous question ; they made much shorter work of it—they refused to entertain the question at all ! and forthwith proceeded to dispose of my claim in this wise :—

" With respect to Mr. SEDGWICK, my lords consider the circumstances of *his* case as being essentially different from those which have rendered necessary the removal of the above-named members of the present commission, and they will, therefore, postpone for future consideration the question of the claim of *that* gentleman to any similar provision."

Truly this is a most extraordinary tribunal ! It affords no clue by which to discover to what its decision refers, or upon what principle it is grounded. It is nowhere stated *why* the commission of the other members was revoked. How, then, does it appear in what respect *my* case differed from theirs ? Phrases so applied may answer a purpose, but they have no intelligible meaning. It is a downright solecism in language to speak of their removal as *rendered necessary*, when with the same pen, you grant them a compensation for their deprivation of office, which is an acknowledgment that it was *not* necessary, and was consequently alike uncalled for and unauthorized.

Had it been true that *my* case was, as is affirmed, essentially different from that of the members to whom amends was made, why was it not openly, and in direct terms, declared in what

that *essential difference* consisted? Why was not both the offence and the punishment put specifically before the public on the same record? There were reasons for this. Their lordships, as will hereafter be seen, had determined upon my *single sacrifice* long before, and they were determined I should not elude their grasp; accordingly they *inflict the punishment* first, and postpone the question of whether I deserved it or not for *future consideration*!

A more outrageous violation of the first and most sacred principles of justice was never witnessed than what is here exhibited. Assuming to themselves, as the Lords of the Treasury do assume, the summary and the tremendous power of dissolving a public Board of Revenue, and dispersing its members right and left, the exercising it, as it is here exercised, by crushing the individual selected, and compensating the rest, carries with it a warning of fearful alarm. Were it not done in the secrecy of office it would excite the utmost consternation. An irresponsible authority, composed of some half-dozen individuals that can thus act—whether under the designation of a Board of Treasury, or taking to itself whatever other name it may, becomes the arbiter of the fate of every public man whose integrity may stand in the way of their purpose. There will in time be no tenure of office but that of servility. If an obnoxious individual persists in discharging his duty to the public, a Commission of Inquiry, if no other corrective can reach him, will soon teach him that this is not to be done with impunity. As I proceed I shall produce abundant evidence of this. It is a task I would most willingly have been spared; but Mr. GOULBURN has recently imposed upon me the necessity of making my wrongs audible, and of telling a tale which, when the public shall have heard it, he will wish untold.

I am tired of appealing, *ab eodem ad eundem*, from the Treasury to the Treasury. I will appeal, hereafter, through the English press, to the English people; they, I feel assured, will pronounce an honest and impartial judgment, and by that judgment I will abide.

JAMES SEDGWICK.

LETTER II.

TO THE EDITOR OF THE MORNING CHRONICLE.

SIR,—In wealth, and power, and political influence, England stands the first in rank of all the nations of the world ; and yet, with all this wealth, and power, and influence at its height, her real condition is very far from enviable, and the vital strength of her population, acted upon by adverse causes from within and from without, is becoming every day more impaired, with less hope of renovation. And why is this ? Because to change the face of affairs requires a stern morality, and an entire devotion on the part of its rulers to the real interests of the people. There are those who believe that the time is advancing when England will be thus paternally governed—when the corruptible shall put on incorruption, and justice be done even within the walls of the Treasury. The prospect is, no doubt, a pleasing one, but I for one am not quite so sanguine. As far as my vision extends, I see no approach of any such millennium.

The course of proceedings I shall relate, and the transactions I shall have to remark upon, are quite *unique* in their kind. They open up a new form of conspiracy, and a new field of oppression. In my last I set forth the very singular complexion of the Treasury minute under which the late Board of Stamps was dissolved, and which, for reasons it neither explains nor justifies, compensated the injustice done to my colleagues, while it left *my* case “for future consideration.” But this indefinite *future* never arrived, nor was it intended it should. It has accordingly never been *considered*, from that day to this : how it was eventually adjudged will be seen in the sequel : by what a most extraordinary process that adjudication was effected will appear when I come to address Mr. Goulburn.

Thus much was necessary in the way of prelude. It will now be necessary, to the clear understanding of the whole case, that I should begin at the beginning.

I had not been many years at the bar before I was offered a commissionership of Excise at Edinburgh, by the present Lord Melville, which I declined, from a reluctance to quit my profession, which I was pursuing with every prospect of success. On informing Sir Vicary Gibbs, then Attorney-General, with whom I was on terms of personal friendship, that I had so done, he very kindly expressed his regret, as Government, he said, was desirous of assimilating the Excise system in Scotland to that of England, which, as regarded both the Excise laws in Scotland and those hereafter to be passed, required a man of professional habits. I said the salary was no adequate inducement, as my own professional income was already nearly equal to it; that I was, besides, unwilling to leave my friends in England, and that one did not easily strike one's root in a new soil. These were my exact words. He said, in reply, that there had been hitherto no *chairman* of the board in Edinburgh, and that in the course of a few months I should be raised to that situation, which would increase the salary one-third; and he added further, that when the task of assimilating the two systems should have been completed, I should be appointed to the first vacancy that occurred at the London board. One circumstance that he urged upon me in the course of our conversation was, that it was a place *for life*, which made it equivalent to a much higher professional emolument. This consideration it was that chiefly weighed with me, and the next day I waited upon Lord Melville, and, with a becoming sense of the honour conferred upon me, accepted the appointment.

I mention the above particulars because they are explanatory of the facts which took place in accordance with them; and further, because of the strong bearing which they have upon the events which followed.

I had held the office of chairman about six years, at the end of which a vacancy occurred at the London Excise Board, by the retirement of Mr. Watson Taylor, occasioned by his accession to a very large property; and I thereupon received a letter from Mr. Lushington, then chief secretary of the Treas-

sury, informing me of the secession of Mr. Watson Taylor, and that their lordships, mindful of their promise, had been pleased to appoint me to succeed him.

I accordingly addressed a letter to the Lords of the Treasury in the usual form, tendering my resignation of the chairmanship in Scotland, preparatory to taking my seat as a commissioner at the board in London ; in reply to which I received the following letter :—

“ SIR,—Having laid before the lords commissioners of his Majesty’s Treasury your letter of the 17th ult., tendering your resignation of the situation of chairman of the Board of Excise in Scotland, whenever their lordships shall be pleased to testify their acceptance of the same.

“ I am commanded by their lordships to acquaint you that they are pleased to accept therof, and at the same time to convey the expression of their lordships’ sense of the *zealous and able manner in which you have discharged the duties of that situation.*

“ I am, Sir, your most obedient servant,
“ *Treasury Chambers.*” “ *GEORGE HARRISON.*”

Before quitting Edinburgh it was necessary that I should provide some place in which to deposit my furniture and effects in London, until I should fix upon some family residence. On mentioning this to Mr. Vansittart, then Chancellor of the Exchequer (the present Lord Bexley), he very obligingly gave me a letter of introduction to the Commissioners of Excise, intimating that I was appointed a member of their board, and requesting that they would afford me the accommodation required, if it could be done without inconvenience to the public service. This request was immediately complied with.

I should not enter into this apparent minuteness of detail, did I not feel that the peculiar nature of my case made it necessary. Its bearing upon the facts will be presently seen.

I now repaired to Edinburgh in order to make such arrangements as were necessary before my final departure. This occupied me altogether about three weeks. On my return, knowing that my patent had been put in hand before I left London, I repaired to the Clerk of the Fee’s Office to inquire

if it was completed, when, to my utter surprise, I learnt that during my absence my patent *had been cancelled and a new one made out in favour of COLONEL DOYLE!* I of course lost no time in waiting upon the Chancellor of the Exchequer, when the account I received was, that on putting the patent before the Prince Regent for the royal signature, his Royal Highness expressed himself in strong terms of displeasure at not having been made acquainted with the vacancy, adding, that "He had promised the Marchioness of Hertford that Colonel Doyle should have the first vacancy, and that his promise *must and should* be fulfilled"—that, thus circumstanced, Lord Liverpool and himself had no alternative but to *cancel* the patent that had been made out for me, and to comply with his Royal Highness's wishes.

Men of firmer minds than Lord Liverpool or Lord Bexley might, perhaps, have acted otherwise; but to ministers the frown of royalty is no doubt hard to bear; and I make allowance for the unreflective haste with which, at my expense, they escaped from it.

My next inquiry was, in what mode I was to be indemnified; and it was proposed that I should have the next vacancy, and that the Lords of his Majesty's Treasury would, in the mean time, appoint me to the examination of the Droits of Admiralty accounts, with the salary (£1,500. per annum) of the office I had resigned. I was placed in a position which left me no option but to accede to this arrangement, and it accordingly took effect.

I held the above appointment two years, during which I detected two errors of £10,000. *in favour of the crown.*

It happened, at this period, Mr. Neill was induced by ill health to resign his situation of *Chairman of the Stamp Board*, and, by patent under the great seal, dated 25th August, 1817, I was appointed his successor. I had been *but a few months* in office, when, by an express warrant from the Lords of his Majesty's Treasury, I was directed—

"To proceed without delay to Edinburgh, and to make inquiry *into the system and conduct* of this important branch

of the revenue, and to report speedily to their lordships thereon, and to suggest for their lordships' consideration such alterations and amendments in the existing system as, in your opinion, may be necessary or proper for the purpose of assimilating it to the system of management in England.

"And my lords further desire that you will, with as little delay as possible, *investigate the conduct* of the solicitor of the Stamp-office in North Britain (Mr. Bremner), and *report* to their lordships *fully* the result of such investigation, and that you will require of the said solicitor *to deliver you an account of ALL MONIES RECEIVED and PAID* by him, from the date of his appointment to the date of your requisition of the same, and *if the urgency of the case* should appear to you to require that any *immediate proceedings* should take place before their lordships' directions can be received upon the subject, my lords are pleased to direct you to consult the Lord Advocate, and to authorize you to take such steps as his lordship may advise."

Their lordships' warrant contained other directions as to the department generally, to which it is not necessary to advert.

Let me here draw your particular attention to the express duty which the Lords of his Majesty's Treasury here call upon me to fulfil, and to the urgent language in which I am directed to require the solicitor, Mr. Bremner, to deliver to me an account of *all monies received and paid* by him from the date of his appointment.

In obedience to the above direction I proceeded to Edinburgh, to examine into the abuses which had been long known to exist, and, throughout Scotland, had been loudly complained of; and I can truly aver, that short of the utter destruction of the Stamp revenue in North Britain, a system more iniquitous could not have been practised than my investigations disclosed. Every possible obstacle being thrown in my way, my colleagues at the board concurred with me in the absolute necessity of *suspending* Mr. Bremner, preparatory to his ultimate removal from office. This, with the assent of the Treasury, being done, I next appointed an *interim* solicitor, a Mr. Renny,

whose professional and personal character I had carefully ascertained.

The extent to which the Stamp revenue had suffered under Mr. Bremner was sufficiently proved by the fact that in the short space of *six months*, during which he *remained suspended*, the increase under five of the most important heads of duty was *nearly one-half*.

I had already effected an increase of £60,000 per annum (upon a revenue of £400,000) when, having been six months absent, I went to London to concert with my colleagues at the Board as to the further measures to be adopted. It was my intention to return again, after a short interval, to Edinburgh, having made arrangements to carry out improvements much beyond those I had already effected, and being also prepared to suggest, as desired by their lordships, such alterations and amendments in the existing system as appeared to me to be necessary to prevent the recurrence of similar abuses.

I had had from the beginning to encounter a resistance from the Lord Advocate and others in authority, that my utmost exertions could not prevail against ; and I had some good reason to know and feel that the same counteractive influence in support of Mr. Bremner that had been thus powerfully exerted in SCOTLAND, had been put in motion in ENGLAND. I was on the eve of departure when I found on a sudden that all my projected improvements were at an end and a stop put to all further investigation. A Treasury minute came, ordering *Mr. Bremner's immediate restoration to office !*

Incredible as it may appear, he was re-instated, notwithstanding no account of *legacy or probate duties* received by him as the head of that department in Scotland, nor any account, not even a single item, of either the *duties or penalties* received by him, as Solicitor of Stamps, had ever been rendered by him *during all the years he had been in office* ; nor has any account of the money so received, which must have been vast in amount, *been rendered to this hour !*

The Treasury minute which commanded Mr. Bremner's restoration to office, however afflictive it might be to the

revenue, called for no comment from me ; nor would it have received any, but for the reproach directed against myself. The observations which it drew from me were made in my own exculpation. Whether they were justified or not the public will judge. In my next letter, which will be addressed to Lord Granville Somerset, that minute and my remarks upon it will appear; it is enough, at present, to say, that *they awakened that indignation of which I was afterwards made the victim.*

JAMES SEDGWICK.

LETTER III.

TO THE RIGHT HON. LORD GRANVILLE SOMERSET.

MY LORD,—The philosopher of Beaconsfield was right: that “generous loyalty to rank” so prevalent in the days of chivalry has verily and indeed disappeared. How can it have happened that a sentiment which had so long stood its ground should have fallen into such manifest disregard? Was it that the Order plumed themselves on their titles, and looked with too dark a scowl upon the nothingness of the people? Was it that “tow’ring in their pride of place,” their haughtiness was not redeemed either by the demeanour which ensures respect, or the qualities which deserve it? It is not my province to enter upon this wide question; I will leave your Lordship to solve it at your leisure. My present subject, however, is not wholly unconnected with the problem, and may, perhaps, assist in the solution of it.

The dissolution of the late Stamp Board was a most unprecedented and extraordinary measure. There was much of the inscrutable about it. Much pains were taken to mystify and misrepresent both its origin and its object. In all that passed before the public eye at the time, it had the appearance of proceeding from a most patriotic regard for the public service. To all outward seeming, it arose from an uncompromising spirit of reform, which gave promise of better times. Those who had despaired of the commonwealth began to take heart, imagining that they were on the eve of the purification. The Lords of the Treasury—yourself among the most active—gained no light praise for the inexorable sternness with which they disbanded a whole revenue board, as if to strike terror into official men to the end of time. And no doubt, in the way of example, it would have been worthy of all admiration had

it in reality had the slightest reference to the improvement of the revenue, or the most distant concern with the interests of the public. Its fault was, that it had no relation whatever to the one or to the other.

The task of reforming the inveterate abuses of any official establishment is at all times an invidious one. No man who values his own peace will covet it. The Treasury warrant, which imposed upon me the task of investigating the conduct of Mr. Bremner, the Solicitor of Stamps in Scotland, directed me in such emphatic terms to report "*fully*" to their lordships the result of my investigation, that I felt called upon to probe to their depth the inherent vices of the system. I accordingly entered upon it with that earnestness of purpose which my duty, both to the Government and the public, required from me.

The very object of my mission was itself a conclusive proof that the injury caused to the revenue by the neglect and mismanagement of Mr. Bremner had been long pressed upon the attention of the Treasury. In truth, I found it the leading topic of complaint at my accession to the Board. Mr. Neill, my predecessor, had neither health nor nerve to combat with it, and therefore it was that so very soon after my appointment that investigation devolved upon me, the necessity for which had been so long imperatively felt.

Having every reason to anticipate what the nature and complexion of my report would be, the deplorable state of things which it unfolded could not have taken your lordship by surprise; on the contrary, the surprise must have been, had my account of Mr. Bremner been, that he was by no means an inefficient or unworthy officer; that he apparently discharged his duty to the best of his capacity, and was in no wise inattentive to the interests of the revenue.

It was in this light that the *clique* in Edinburgh were desirous he should appear; and in this light your lordship would fain represent him when drawing up the following Treasury minute, which removed his suspension, and commanded his *immediate reinstatement* :—

"Copy of Treasury Minute ordering Mr. Bremner's Restoration to Office.

" On reading Mr. Bremner's first memorial, dated the 11th December, 1818, my lords were led to suppose that his suspension was entirely caused by his conduct in the case of Jean Munro; and in this they were decidedly of opinion that he acted quite correctly. The Commissioners of the Board of Stamps, however, in their answer to this memorial, distinctly deny that this case was in any way connected with Mr. Bremner's suspension. My lords, therefore, conceive that no further observations are applicable to it, except so far as to remark, that in removing old and confidential officers from their situations, justice seems to require that they should be made acquainted with the offences with which they are charged, and that the specification of the fault should accompany the signification of the punishment.

" The Board of Stamps, however, allege incapacity, inattention, and want of activity, as their grounds for Mr. Bremner's suspension. Their reasons, without doubt, if fully substantiated, fully authorised and indeed required the Commissioners to suspend Mr. Bremner from his official situation, thus disgracing him in his own profession, and depriving him of an office held by him as deputy or principal for so many years.

" And, indeed, my lords, upon a full and mature consideration of the several documents produced by Mr. Bremner in exculpation of himself, and of the facts upon which the Commissioners ground their opinions, certainly feel that Mr. Bremner does not appear to have been so attentive to the duties of his situation, nor so alive to the intricacies of his official business, as to free himself entirely from the imputations above mentioned.

" But when my lords consider that the duties that have devolved on him singly, are in England (upon a knowledge of their extent and difficulty) intrusted to many different officers, they feel themselves called upon to say, that the blame attaching to Mr. Bremner is most materially lessened, and that the system is just as liable to complaint as the officer who has been charged with carrying it into effect. In connection with this part of the subject, my lords must observe that it appears to them, that it was highly incumbent on the Commissioners of the Board of Stamps long ago to have recommended such a change in the branch of their department belonging to Scotland, as would have put an end to the irregularities and inconveniences which they state to have existed for the last twenty-five years.

" Upon many of the cases referred to as establishing Mr. Bremner's inattention to his business, it is not possible for my

lords to form a very accurate judgment, nor is it material to the justice of his suspension; but with respect to a particular one of a seizure of unlawful cards, and in which Mr. Mackenzie was concerned, Mr. Bremner appears to establish, satisfactorily, that his first proceedings were sanctioned by the opinion of the then Lord Advocate, and that the reason of no further measures being pursued against the offending parties was, the feeling entertained by the justices of the peace, that they were sufficiently punished by the condemnation of the forfeited cards.

" My lords also think it right to advert to two other points, namely, the attorney's certificates and the stamps upon plate.

Upon each of these, Mr. Bremner states that the existing laws of Scotland are inadequate to prevent fraud, and that he had intimated this his opinion to the late chairman of the Board of Stamps (Mr. Neill). To what extent such communication was made does not appear; but my lords presume that the attention of the Commissioners must have been directed to the point, when the Stamp Acts of 1815 and 1818 were passed; and, under this presumption, my lords trust that the Commissioners are prepared to propose some regulations to obviate these defects in the law, if they consider them to exist.

" My lords, in further adverting to the comparative statements of the stamp revenue of Scotland of the years 1817, 1818, and 1819, cannot allow them much weight in their decision, since putting the fluctuating nature of the stamp duties out of the question, the appointment of Mr. Renny would naturally account for an increased activity in the collection of this branch of the revenue.

" Upon the whole, therefore, my lords are of opinion, THAT THERE ARE NOT SUFFICIENT GROUNDS FOR CONTINUING THE SUSPENSION OF MR. BREMNER FROM THE DUTIES OF HIS OFFICIAL SITUATION, AND DESIRE THAT IT MAY BE FORTHWITH REMOVED."

Observations on the Minute ordering Mr. Bremner's Restoration to the Office of Solicitor to the Board of Stamps in Scotland, addressed to LORD GRANVILLE SOMERSET.

[To avoid unnecessary length, the introductory part is omitted.]

" On reading Mr. Bremner's first memorial, dated the 11th December, 1818, my lords were led to suppose that the suspension was entirely caused by his conduct in the case of Jean Munro; and in this they are decidedly of opinion that he acted quite correctly."

As it could not but be within the knowledge of the Lords of the Treasury that I was sent to Edinburgh expressly for the purpose of making an investigation into the official conduct of Mr. Bremner—that it was because his misconduct had become so inveterate that an investigation, as a step preparatory to his removal from office, had been at length resolved upon—and when my private reports from Scotland, in the course of my investigation, together with the report forwarded after my return, had detailed the lamentable system of abuse, neglect, and mismanagement, which had so incurably prevailed in the solicitor's department:—after this disclosure, I know not by what testimony their lordships could be impressed with the opinion, “that Mr. Bremner's suspension was *entirely* caused by his conduct in the case of Jean Munro;” and more especially as his conduct in that case had never even been put in any shape as a charge against him. When it is further added, with reference to *that* case, that their lordships “are decidedly of opinion that he acted quite correctly,” this intimation can only be interpreted into a marked reprobation of the judgment which the report—drawn up, certainly, by *me*, but signed with entire concurrence by the Board—had expressed upon the conduct of Mr. Bremner in that instance. That the solicitor (Mr. Bremner) should request *my* opinion, as chairman, upon the law in a particular case—that, professing to acquiesce in its correctness, he should forward it afterwards to the Board, and ask *their* opinion, obviously with the hope that it might be different, and that he might thus be able to place both opinions in opposition—that, disappointed in this by the Board's complete concurrence, he should, without any direction from his superiors in office, apply to the *Lord Advocate*—whose patronage he boasted, and by whom he was most strenuously upheld—and obtain from *him* an opinion *directly opposite* to that which he knew the Commissioners to have most deliberately expressed, and to forward this manifestly with a feeling of triumphant hostility to the Board; that such conduct on the part of a subordinate officer—a conduct pregnant throughout with all that spirit of disrespect

and defiance which has a direct tendency to bring all official authority towards which it is exercised into contempt—that this should have been put in detail before the Lords of His Majesty's Treasury, and that the Board should be informed that my lords are decidedly of opinion that "*he acted quite correctly.*" Surely, my lord, this crisis should seem to be, of all others, that in which it is least safe in Government to give the high sanction of its approbation to such sort of proceeding. To what consequences does it manifestly lead, and in what must it end?

"The Board of Stamps, however, allege incapacity, inattention, and want of activity, as their ground for Mr. Bremner's suspension: their reasons, without doubt, if fully substantiated, fully authorized and indeed required the Commissioners to suspend Mr. Bremner from his official duties, thus disgracing him in his own profession, and depriving him of an office held by him as deputy or principal for so many years."

The charges alleged against Mr. Bremner, and the unparalleled system of mismanagement which my investigations on the spot developed, go very far indeed beyond *incapacity, inattention, and want of activity*; these, my lords, are palliative terms, which very lightly characterize that course of conduct from which, as I am fully prepared to prove, the interests of the public and of the revenue have suffered most extensively and most severely for a long series of years; but *even to this extent* the charge is declared *not to be substantiated*. What, in this case, my Lord, is the inference? Is it not manifestly this, that I have deliberately imputed a course of misconduct to Mr. Bremner, of which, upon investigation, he not only stands acquitted, but no charge even of incapacity, inattention, or want of activity, has been fully made out against him? If I have so acted, without doubt I am highly culpable; but the materials are abundantly before me that will enable me to do much more than exculpate myself from the imputation thus cast upon me, and cast upon me too by that high official authority from which I had expected—and from which their lordships will forgive me if I say I had a right to expect—

assistance and support. As it is, I stand exposed to all the calumny and misrepresentations that Mr. Bremner and his adherents have so actively circulated, and which are apparently confirmed by the result to which they are enabled thus triumphantly to appeal.

" And, indeed, my lords, upon a full and mature consideration of the several documents produced by Mr. Bremner in exculpation of himself, and of the facts upon which the Commissioners ground their opinion, certainly feel that Mr. Bremner does not appear to have been so attentive to the duties of his office, nor so alive to the intricacies of his official business, as to free himself entirely from the imputations above mentioned. But when my lords consider the duties that have devolved upon him singly, are in England (upon a knowledge of their extent and difficulty) intrusted to many different officers, they feel themselves called upon to say, that the blame attached to Mr. Bremner is most materially lessened, and that the system is just as liable to complaint as the officer who has been charged with carrying it into effect."

My lord, I owe it, in justice to myself, to say, that this ground of defence is in no way authorised by the fact. Had I found a *bad system* in Scotland *well administered*, I am quite sure that I should never have felt the slightest disposition to ascribe to Mr. Bremner's mismanagement those ill effects which a sense of justice should have led me to trace to other causes. If I had not discernment sufficient to distinguish whether the evils complained of arose from the inherent defects of the system, or from the misconduct of the officer acting under it, I was unfit for the task of investigation imposed upon me: if, on the other hand, I was competent to this distinction, I must have acted most unjustly towards Mr. Bremner, in causing him to be suspended on the occasion of those evils which I must have known it was not within his power to prevent. In either alternative the reproach is made to fall upon me. But, my lord, I affirm—and I do so from the fullest conviction of the fact—that it is the notorious and indefensible dereliction of his public duty, and to no other cause, that the defalcation of the stamp duty in Scotland is to be ascribed. I have no need to resort to any additional evidence in corro-

boration of this: it is made manifest from the facts already put in proof before your lordship.

"In connection with this part of the subject, my lords must affirm that it was highly incumbent on the Commissioners of the Board of Stamps long ago to have recommended such a change in the branch of their department belonging to Scotland as would have put an end to their irregularities and inconveniences which they state to have existed for the last twenty-five years."

I can assure your lordship that the reproach thus conveyed against the Commissioners of the Board of Stamps, as having suffered these evils to exist which they ought long ago to have remedied, is by no means deserved. Mr. Neyle, my predecessor, and Mr. Campbell, would readily have testified to your lordship, or to any person who might have made inquiry through them, that Mr. Bremner was himself the man who from the first most actively resisted, and resisted with effect, the extension of the English system of collecting the legacy duty in Scotland! With respect to the general system of Stamp duties, it is the same there as in England, and it is the officers acting under that system that make those duties, either there or here, productive or otherwise. Linked together, as every branch of the head office in Edinburgh notoriously is, by the ties of consanguinity and corruption, what road was there to the detection, at 400 miles distance, of those abuses which all were interested to conceal? But as to the chance of amendment to have been expected from any investigation, had it been instituted, the public have only to look to the result now that it has been made. I would appeal to the candour of your lordship, whether, under all the circumstances, the minute which orders Mr. Bremner's restoration is exactly the record upon which the censure on the Commissioners should have been conveyed.

"Upon many of the cases referred to as establishing Mr. Bremner's inattention to his business, it is not possible for my lords to form a very accurate judgment, nor is it material to the justice of his suspension; but with respect to a particular one of a seizure of unlawful cards, and in which one Mackenzie was concerned, Mr. Bremner.

appears to establish satisfactorily that his first proceedings were sanctioned by the opinion of the then Lord Advocate, and that the reason of no further measures being pursued against the offending parties was, the feeling entertained by the Justices of the Peace that they were sufficiently punished by the condemnation of the forfeited cards."

As this case was brought forward in the memorial on Mr. Bremner's suspension as confirming the charge of extreme neglect of duty, and having myself investigated the affair when in Edinburgh, in consequence of an application personally made to me for redress by Mr. Mackenzie, the seizing officer, who conceived himself to have been most unjustly dealt by; I cannot but feel that it reflects strongly upon me, that Mr. Bremner should have established *satisfactorily* to their lordships that this charge was not well founded. But I hope, my lord, I shall not be thought to deviate from that respect which I owe to official authority, when I say, that I am wholly at a loss to conceive what it is, in the defence put forward by Mr. Bremner, that has weighed thus favourably towards him. How does the case stand? Most important detections had been made, which afforded the best possible opportunity of making an example of the offenders, and of restoring a branch of revenue which their long habits of fraud had almost annihilated. The following is the list of seizures as taken from Mr. Bremner's own report:—

From Husband, Elder, and Co., 3 parcels, containing	-	-	120	packs.
From Frances Houden, South-bridge	-	-	12	
From Mr. White, St. Andrew-street	-	-	4	
From Duncan Robertson, Princes-street	-	-	7	
From James Murray, South-bridge	-	-	1	
From Francis Marshall and Son, High-street, 28 parcels, containing	-	-	386	
		Total	-	530

Mr. Bremner states that he prosecuted these cases before the justices of the peace. But what could have induced Mr. Bremner to bring these cases before an authority *which had no jurisdiction to try them*, and which, therefore, he must

have known could take no legal cognizance of the offence ? How do these magistrates act ? Why, according to Mr. Bremner's statement, they absolutely refuse to award any penalty whatever against any one of these offenders !—thus delivering up the revenue to be defrauded with impunity, and encouraging those depredations which it is the most urgent duty of every judicial tribunal to suppress ! They appear, on the face of Mr. Bremner's defence, to have usurped a jurisdiction only that they might abuse it. And what is the motive assigned for this most extraordinary proceeding ? It appears, from Mr. Bremner's declaration, " that the reason of no further measures being pursued against the offending parties was, the feeling entertained by the justices of the peace that they were sufficiently punished by the condemnation of the forfeited cards."

Why, my lord, the penalty under the 41 Geo. III., is *ten pounds*, with full costs of suit, for *every unstamped pack* thus exposed for sale, so that these opulent offenders, (for such they were) having incurred penalties to the amount of *five thousand three hundred pounds*, are deemed, in the opinion of these magistrates, sufficiently punished by the forfeiture of the cards, which, having no stamp, were worth only the prime cost of the paper, which would be about *fifty shillings*. Surely this is a monstrous decision ! My lord, the character of Scotland is at stake if its magistrates can thus encourage their countrymen to set justice and punishment at defiance, while in England the penalties against offenders are enforced with a conscientious but unsparing severity. To make the whole transaction of one colour, the seizing officers were not even paid the expenses they had incurred in the detections ; and after *ten years* of ineffectual application to Mr. Bremner, they at last, on a remonstrance to the Treasury, and a report from the board, *were compensated out of the revenue !*

As Mr. Bremner must necessarily have had an active and personal share in the whole of this unexampled proceeding, and as he had withheld all knowledge of it from the Commissioners, it appeared to me that he most flagrantly deserted his

duty to the public and to the board: nor do I feel that, having urged the case in proof of his delinquency, I am the less warranted in having done so by any thing that he has pleaded as a justification.

" My lords also think it right to advert to two other points, namely, the attorney's certificate duty, and the stamp upon plate: upon each of these Mr. Bremner states that the existing laws of Scotland are inadequate to prevent fraud."

With regard to the first of these (the certificate duty), the law is so far from being inadequate to prevent fraud, that it neither requires, nor is capable of amendment. No, my lord, the constant, regular, and uniform course of neglect on the part of Mr. Bremner produced, as it was natural it should, a correspondent habit of evasion on the part of those who should have paid the duty. To this cause, and to no other, is the defalcation to be ascribed. No sooner was Mr. Bremner suspended, and an interim solicitor appointed, than the sufficiency of the law became manifest; the certificate duty, which in the first six months of last year (from January to July) had amounted to £3,198, increased in the corresponding six months of the present year to £9,653. This put the fact beyond all doubt. Even this great increase was progressively augmenting, and testified that *under this head of duty alone* the loss to the revenue was £15,000. a year.

" My lords, in adverting to the comparative statements of the Stamp and Revenue in Scotland of the years 1817, 1818, and 1819, cannot allow them much weight in their decision, since putting the fluctuating nature of the Stamp duties out of the question, the appointment of Mr. Renny would naturally account for an increased activity in the collection of this branch of the Revenue."

If this striking and demonstrative fact, that during the interval of Mr. Bremner's suspension the different branches of the Stamp Revenue increased some *four-fold*, some *seven-fold*, and even some *ten-fold*, and this too, not in any particular branch or in any particular month, but in *every* branch and in *every* month—if this fact is to be rejected as inclusive as to

Mr. Bremner's negligence and mismanagement, by what evidence, my lord, is the charge to be proved? If their lordships cannot allow much weight to *such* confirmation, how is even the most unprincipled dereliction of duty in any public officer hereafter to be punished, or through what course is the proof of it to be conducted? This great augmentation of the revenue, it must be remarked, was effected by the *interim* solicitor, without a single law having been amended, without any legislative improvement being introduced which could render the revenue more productive—in a word, without possessing a single advantage which Mr. Bremner had not, the revenue increased under his management to an amount exceeding £60,000 a year, and this on a revenue of £420,000!! So far were the board, when they apprized their lordships of this fact, from anticipating that it would be accounted as "*not of much weight,*" that they had considered the inference it afforded as irresistible, and rendering all comment superfluous.

"Upon the whole, therefore, my lords are of opinion that there are not sufficient grounds for continuing the suspension of Mr. Bremner from the duties of his official situation, and DESIRE THAT IT MAY BE FORTHWITH REMOVED."

My lord, I hold it to be the duty of every Board of Revenue to provide that the great public pecuniary trusts over which they are appointed to preside, are faithfully discharged by those subordinate officers to whom the different departments are distributed. Their means of service to the state exists principally in the constant control proceeding from this regular, active, watchful superintendence. They are responsible to the supreme authority of Government for the efficient performance of this duty. In furtherance of this, the Commissioners are empowered, in the exercise of a deliberate and sound discretion, to remove any unfit officer from their service. This power of the Commissioners is indispensable. Accordingly Mr. Bremner held his situation under this tenure. The express words of the warrant appointing him run thus:— "Provided always, that this deputation and appointment shall continue and be in force as long as the *Commissioners of*

Stamps for the time being, or the major part of them, shall think fit, and no longer."

Mr. Bremner, however, through an influence which I shall elsewhere develope, is triumphantly replaced in that office, with the duties of which the Board had declared it to be wholly incompatible with their responsibility and with the interests of the public service that he should be entrusted. This step has been productive of incalculable evil in every way. I aver, and I will demonstrate the fact, that the stamp revenue has suffered for years past a loss of £200,000 annually through Mr. Bremner's official incapacity and his wilful neglect—and THAT IT IS AT THIS EXPENSE TO THE COUNTRY THAT HIS RESTORATION HAS BEEN EFFECTED.

No office in the United Kingdom affords any thing like a parallel to the Stamp Office in Edinburgh. It consists of four departments—the head distributor, the comptroller, the solicitor, and the distributor of stamps for Edinburgh and Leith. One cord of consanguinity binds up the whole. Mr. Bremner, the solicitor's son, is the husband of the comptroller's daughter! Mr. Gray, the first clerk and chief manager in the head distributor's office, is married to the daughter of Mr. Richards, the head clerk and chief manager in the office of the distributors for Edinburgh and Leith! Mr. Bremner's first clerk is his own son! The comptroller's first clerk is his own son! his second clerk is his nephew! The housekeeper is his sister-in-law, and aunt to his second clerk! Mr. Richard's clerk, the distributor for Edinburgh and Leith, is his own son! To complete the whole, even the porter who unpacks the stamps consigned from time to time to Mr. Hepburn, the head distributor, and who I have good ground to believe knew more than it was desirable he should know, has, during the late investigation, been secretly removed, and a late servant of the head distributor's placed in his stead! Can the public revenue be safe in the hands of officers thus allied in interest, maintaining the closest union, acting with inviolable concert, and withdrawn by distance from the eye and superintendence of the Board? Mr. Hepburn, the head distributor, receiving

interest on the public revenue passing through his hands! Mr. Pender, the comptroller, who should check this, *himself* keeping the distributor's cash book, *adjusting the interest balance*, keeping the account current *with the bankers*, and acting in all respects as his steward and chief agent! Mr. Bremner moving in the same circle, and in the same deep-worn track of abuse!

At this crisis, my lord, this offers a fearful exhibition. The public eye must soon be upon it. Its mischievous consequences are becoming daily too severe to be suffered, and too serious to be concealed. I had meditated arrangements by which the Stamp revenue in Scotland might have been gradually rescued from the confederacy; but I felt it necessary, as a preliminary, to get rid of the resistance and counter-action to be found in Mr. Bremner; but my exertions and my hopes are at an end. *His reinstatement in office has rendered every attempt at reformation useless.*

Towards myself, upon whom the task of personal investigation was imposed by their lordships, a course of conduct has been adopted which must give the public reason to suppose that the trust reposed in me was misplaced. It is natural enough to conclude that nothing could have induced the Treasury to dispense with my services in Scotland, which they had at first commanded, and to delegate the duty to other hands, but the want of integrity, or the want of fitness which I had manifested in the discharge of it.

As far, my lord, as my own motives have been opened to misconstruction by the restoration of Mr. Bremner, I shall find no difficulty in defending myself. But—which is of infinitely more importance—if an influence is to exist in Scotland which shall be of power to overrule the discretion and supersede the authority of this Board over its own officers, it is of importance that it should be distinctly avowed, that it may be as distinctly recognised. I mean to protest publicly against it, as unauthorised in its origin, and fatal in its effect. While the Board possesses the power to remove the abuses which they know to prevail in the

Stamp Office in Scotland, and suffers them to exist, it stands before the public as an accomplice. If the counteractive interference above adverted to is justified, be it so; but where that influence emanates, there also let the responsibility rest.

Stamp Board.

J. SEDGWICK,

Chairman.

I offer no comment on either of the above documents. The public will pass their own opinion on them.

J. S.

LETTER IV.

TO THE RIGHT HON. LORD GRANVILLE SOMERSET.

MY LORD,—It was the shrewd advice of a veteran judge to one of his younger brethren of the bench, as yet new to the seat of jurisdiction, “When you pronounce judgment in any case, never give your reasons for it, as the chance is that the judgment may be right but your reasons may be wrong.” There was a mine of wisdom in this suggestion; nor is it less profitable for instruction at the Treasury Chambers than in Westminster-hall. Had the minute which re-instated Mr. Bremner avoided going into any reasons for so doing, it would have stood simply as an act of official authority. Containing nothing to call for any justification from me, my acquiescence would have been matter of course. However unjust I might have thought it towards the public, it would, personally, have been no concern of mine. “The Guardians for the Revenue,” I should have said, “will guard it after their own manner, and will exercise their prerogative in their own way,” and there the matter would have rested.

But the suspension of the solicitor was, as has been seen, held to be unjustified, and as arising from a report of mine in which his official conduct and character had been wrongly represented. In my account of him he stood described as regardless of the interests of the revenue, and as being altogether an unworthy public servant; whereas he had been weighed in the Treasury balance, and found to be of the standard value. Thus it was that I was thrown upon my defence; and hence, also, those “Observations,” which, from the moment they were read, *were never forgiven*.

I received, on the next day, a note from Mr. G. HARRISON, then secretary of the Treasury, requesting that I would call upon him, which I did, when he intimated to me that I had given great offence; so great, that he *could not tell what might*

be the result; adding, that he had been requested by Lord LIVERPOOL to desire that I would give him (Mr. Harrison) my assurance that no copy had got abroad, and that they were not intended to be in any manner *made public.* I had no difficulty in doing this, and accordingly, on my return to the Board, I addressed to him the following letter:—

"Stamp Office, Dec. 29th, 1819."

"MY DEAR SIR,—In a conversation which recently passed between us, you intimated to me that I had given offence at the Treasury by printing the Observations addressed to Lord Granville Somerset. It would be unbecoming in me to suffer such an intimation to pass without the explanation that is due to it. If it can be for a moment supposed that those 'Observations' were printed with a view to a more extended circulation, I cannot hesitate, unreservedly and at once, to remove such an impression, and to assure you that they were intended exclusively for the Lords of the Treasury, and are in no other hands.

"Towards Lord Liverpool and Mr. Vansittart I entertain sentiments much beyond those of official deference and consideration, and I can never, if I know myself at all, be betrayed into any act disrespectful to either.

"When the Board suspended Mr. Bremner, I pledged myself to Lord Liverpool to lay before the Treasury such facts as would amply justify his removal from office, and I certainly considered that I had so done. When the minute ordering his restoration came, I felt that it cast upon me the reproach of having failed to support the statements to the proof of which, as Chairman of the Board, I had thus pledged myself, and upon the faith of which the Treasury had concurred in the necessity of his suspension. It was under this feeling that I drew up the 'Observations.' They were written with no other object than to shew that the statement contained in my report was amply borne out by facts, and that I had not arraigned him undeservedly.

"I would stop here. I wish to mix up nothing with this

letter that does not relate to the immediate subject of it. Requesting your forgiveness for thus trespassing on your attention, I beg leave to subscribe myself,

"My dear Sir, ever most faithfully yours.

"JAMES SEDGWICK."

"*To Geo. Harrison, Esq.*"

Having forwarded the above letter, I was on the day following informed by Mr G. HARRISON that he had submitted it to Lord LIVERPOOL, who had desired that a letter, containing the same assurance that the 'Observations' had not been printed with a view to publicity, might be addressed personally to himself. With this request, I without hesitation, complied, and accordingly addressed to his lordship the following letter:—

"Stamp Office, Jan. 1st, 1820.

"MY LORD,—In an interview, on Tuesday last, with Mr. George Harrison, he expressed a wish that I should state, in a letter addressed personally to your lordship, the substance of that which I had recently addressed to himself.

"As no copy of the Observations addressed by me to Lord Granville Somerset was ever put into any other hands than those of the Lords of the Treasury, for whom alone they were intended, I can feel no reluctance in removing from the minds of their lordships any misconception to which it may have given rise.

"Your lordship will no doubt well remember that I pledged myself to produce such evidence of Mr. Bremner's inveterate misconduct as would manifest the indispensable necessity of his removal from office, and that it was upon this that his suspension was acceded to. When the minute came down, ordering his immediate restoration, it was impossible not to perceive the tone of reprimand towards the Board which pervaded it almost throughout. I felt conscious that I had executed faithfully the duty of investigation which their lordships had imposed upon me, and had qualified myself to make such arrangements towards augmenting the Stamp Revenue in Scotland, and reforming the system, as were well known to be

most imperiously required; and I therefore could not but feel that I had not deserved that all my exertions should terminate in drawing down reproach upon my colleagues, and blame upon myself. It appeared to me, and my subsequent reflections have not altered my opinion, that I could not stand hereafter in that light in which I must ever wish to stand with the lords of his Majesty's Treasury, if I did not make it clearly manifest that I had not procured the Stamp Solicitor in Scotland to be suspended from his situation, and afterwards failed to establish the charge brought against him. I was fully aware of the misrepresentations which had been both publicly and privately circulated, not only to this effect, but to a much wider extent; but I pass them by unnoticed. I do not affect to move in a purer moral atmosphere than other public men, but I trust my character floats too high for the breath of Mr. Bremner's calumny to reach it; when, however, to my utter surprise, the order for his immediate reinstatement appeared, I could no longer be insensible to the force of all that misrepresentation which till then I had disregarded, it having thus received the attestation of that high authority to which I had all along confided for its refutation. This placed me in a painful dilemma, and in that dilemma I still remain; but be assured, my lord, by whatever course I may shape my way out of it, I shall never be forgetful of the respect and consideration which so justly belongs to that high official authority of which your lordship is the head, or uninfluenced by those sentiments of personal regard with which I have the honour to subscribe myself,

“ My Lord,
your lordship's most faithful and obedient servant,
“ JAMES SEDGWICK.

“ *To the Right Hon. Lord Liverpool.*”

If the above letters succeeded in soothing the apprehensions either of Lord LIVERPOOL or yourself, they in nowise abated the bitter resentment of either. It began forthwith to betray itself, and it has pursued me to this hour.

Scarcely had an interval of six weeks elapsed, when Mr. Briscoe, a gentleman then filling the situation of deputy comptroller of the legacy duty, waited upon me, and after some preface, expressive of his regret at being made the bearer of the message he was about to communicate, said,—“ I come to you Mr. Sedgwick, authorized by a person, *high in office*, to inform you that unless you retract the observations made on the Treasury minute, you will receive an intimation that *the Treasury have no further occasion for your services.*” Surprised at so extraordinary a communication, I asked Mr. Briscoe, “ Who it was that had authorized him to convey this intimation ? ” To which he replied, “ that he was not at liberty to mention any name, but that such would be the result might be relied on.”

After the interview had lasted for some time, I said, “ I regret extremely to have given offence at the Treasury. It was far from my intention to do so; but the ‘ Observations’ which have occasioned it are not of a nature to be retracted.” To which Mr. Briscoe replied, “ If I made use of the word *retracted*, I did not mean it. What I meant was, that you should make *an apology* for having written them.” To which I replied, “ Mr. Briscoe, it is not possible. For what am I to apologise ? I felt that in my own exculpation I was called upon to make them. Had the Treasury Minute simply ordered that *Mr. Bremner should be restored*, the order would have been carried into effect without any comment from me. Had I given any just ground of offence it would be my duty to apologise, and I would do so sincerely, and at once; but under the circumstances I do not feel that I ought to be called upon to do it.” After some further conversation, in which Mr. Briscoe endeavoured to press upon me the *serious consequences that would certainly follow a refusal*, I said, “ Mr. Briscoe, if I felt that I was in the wrong, you should not ask me twice to confess myself so. I am aware that I am in the hands of power, but I *cannot* do what is wished. I have no other answer to give.” Here the interview ended.

Enough had passed, however, to satisfy me that my removal

from office was resolved upon. When, and upon what pretext, remained to be seen; but knowing *whom* I had offended, I knew that the resolution once taken, the means of effecting it would not be far to seek.

The first great question was, what was the most advisable course to adopt as regarded Mr. Bremner, that might give a colour of injustice to his suspension, and thus give his restoration to office the appearance of an equitable act? The loss inflicted on the revenue by his reinstatement, and the still heavier losses that would follow the return to the former disorderly and profligate system of management—all this was disregarded. The country must be content to pay the cost of it. Only one course presented itself, and it was adopted. What that course was, my next letter will explain. It will well deserve to arrest the public attention, for it has consequences much below the surface.

JAMES SEDGWICK.

LETTER V.

To THE RIGHT HON. LORD GRANVILLE SOMERSET.

MY LORD,—The real *MAGNA CHARTA* of England is the PRESS. How deeply soever the rights of a British subject may be outraged, in vain will he lift his voice against his oppressors. It is a voice in the wilderness—unheard, and of course unregarded. But the press gives him the whole body of his countrymen for an audience. It gives wings to his words, and his wrongs go forth to the uttermost ends of the empire. It is then—and not till then—that the men of power take alarm. They crouch before a sovereignty to which their own is as vapour. Let but *this* be removed, and the government of Great Britain would not be behind the most despotic in Europe. As it is, when any scheme of personal vengeance, or of public wrong, is to be carried out, there are always heads equal to its contrivance, and tools at hand ready to execute it. I am about to exemplify this, and the English public will not fail to take note of it.

Though a threat of dismissal, conveyed to me through Mr. Briscoe, had failed of its effect, it was not therefore abandoned. Some plausible pretext, however, was wanting to justify it, and there was none at hand. My “Observations” on the Treasury minute were borne out by facts, and those facts were on record. It therefore became necessary to procure, as from authority, some *counter-statement*, which, should the matter ever come under discussion before Parliament, might make Mr. Bremner’s replacement appear to be an act of *official justice*.

A *Treasury warrant* is an instrument of most potent agency. It assumes an authority of a most mysterious and very peculiar kind. It was under this *irresponsible* authority that Mr. SYKES, the solicitor to the board, Mr. CAMPBELL, the comptroller of the Legacy Duty, and a Mr. Forbes, a person chosen by the LORD ADVOCATE in Scotland, were specially appointed

to examine into the management of the Stamp department in Edinburgh, which, *and under the same authority*, I had already investigated, and upon which I had made a most ample and detailed report, when, as your lordship knows, my further disclosures were stopped by Mr. Bremner's re-appointment to office.

There are a certain class of persons under every government that may be denominated *des Suisses*, always ready at call, and willing to engage in any service. Mr. Campbell, being comptroller of the Legacy Department, was the very last person who ought to have been employed in the ablution of Mr. Bremner; for on my first taking the chair at the Stamp Board, and before I was well warm in my seat, I was besieged by his statements of the heavy and hourly loss which the revenue sustained by his negligence and inefficiency, and as regarded the legacy and probate duties his complaints were incessant. Mr. Sykes, too, was to the full as well acquainted as his co-missionary with the real state of things, yet were the consciences of both these gentlemen so yielding, and their allegiance—not to the public, but to the Treasury—so prompt, that, though themselves subordinate officers of the Board, they undertook to undo all that as Chairman I had done, and so to manage the counter-inquiry for which they had been selected, as to cover up again all that I had disclosed—to exhibit Mr. Bremner as a honest servant of the public, careful of the revenue, whose official failings, if he had any, were of a light and venial kind, and who had been most considerately and on just grounds put again into office. This was the task they engaged to perform, and they proved themselves worthy of the choice which had selected them for the performance of it.

The forms of office required that the report which these envoys made to the Lords of the Treasury, as containing the result of their inquiries, should, before being acted upon by their lordships, be transmitted to the Board of Stamps for any observations which the commissioners might have to offer upon it. My colleagues, considering that the shape which the subject had now assumed gave me a peculiar and personal interest

in it, waved all reply, leaving the task of observing upon it wholly to me.

The remarks which this counter-report drew from me may possibly have escaped your Lordship's memory ; if so, to you they are easy of reference, but the public have no access to them. I have no space here for their insertion at full length —I am writing, as it were, within a ring-fence, and must keep myself within the boundary line. The short extract I shall make will be sufficient to show the sort of evidence by which my verdict was reversed by the worthy triumvirate at whose hands he received his acquittal.

The official culprits at Edinburgh no sooner learned who were to be their jury on this second commission of inquiry, than they saw they were to be tried by *their peers*. The head distributor (Mr. Hepburne) thus prefaces his letter to the board in London on the occasion :—

“ The LORD ADVOCATE informs me that the Treasury are about to send *three* gentlemen to make a general inquiry into this department, and to make a report thereupon to his Majesty's government : *this will be very satisfactory to us.*”

To be sure it would. The object of this welcome visit had been arranged with the Lord Advocate before-hand. They knew that this refiner's fire was intended to purify them, and how could the process be otherwise than *satisfactory* ?

My “ *Observations* ” on the minute drawn up by your Lordship, ordering Mr. Bremner's restoration, are before the public. These “ *three gentlemen*, ” before going forth on their errand of inquiry, had not only read those observations, but they knew them to be authenticated beyond all doubt, and they had, moreover, had before them the whole of my reports, which had been officially forwarded to the Treasury, in which the effect on the revenue of the irreclaimable misconduct of the solicitor was verified fully and in detail ; and yet with all this, and much more, within their knowledge, they thus report of him to your Lordship and other the Lords of his Majesty's Treasury :—

“ From the examination of the persons employed in this

department, and of the documents produced, as also from the concurrent opinion of persons to whom Mr. Bremner has been very well known, we believe that he has executed the duties of his office with *strict integrity.*" This report being officially before me from the Treasury, the remarks which I addressed to your Lordships on the above attestation were the following :—

" I would here submit to your Lordships, that it is not by the examination of the persons '*employed in the department*' itself, that they could expect to ascertain whether the business of that department had been well or ill conducted. It is not to be supposed that either the principals or clerks would give evidence against themselves. These commissioners state that they examined the documents *produced*, but they make no mention of what those documents were: and they state further that they form their opinion of the strict *integrity* of Mr. Bremner 'from the concurrent opinions of persons to whom he has been very well known'; but they wholly omit to state the name of any person from whom such testimony was obtained; neither your Lordships, therefore, nor the Board of Stamps, can judge of the value of it; and still less whether the solicitor for the Stamp-office in Scotland had faithfully discharged his *official* duties, as they can appear only from an examination into the management of his office—it is a question of fidelity, fitness, and efficiency as a *public* officer, and all testimony procured as to *private* character is irrelevant."

I proceeded to dissect the whole report, with the minuteness called for by the use which I foresaw was intended to be made of it; how ill it stood the test of the scalpel may be seen by a single sample, to give more would be superfluous.

" If by *strict integrity* is here meant uprightness and accuracy in official pecuniary transactions, the admission which these commissioners are themselves compelled to make, certainly furnishes no ground for their opinion. The Board can only judge whether a public officer is a man of integrity by his

fairly accounting for the sums of money he from time to time collects, and by finding that a regular entry is made by him of all sums received, and of all sums paid, and that the vouchers preserved of such receipt and expenditure will, at any time, show the exact balance in hand when an account is called for. But how is the case admitted to stand with regard to Mr. Bremner?

“ ‘ We are compelled,’ say these commissioners, ‘ to admit that his accounts have not been, and are not, kept with that order, distinctness, and accuracy, which ought to be observed by a public officer. There is no book showing at one view the state of the prosecutions, nor is there any regular cash book ; the receipts of money are merely shown in the margin of the entries relating to any particular prosecution, and it would be difficult for any person, except the person making the entries, to draw from them a proper state of costs. It is absolutely necessary that a very different plan of keeping those accounts should be adopted.’ ”

“ Now, I would submit to your Lordship, that when a public officer, like Mr. Bremner, in the receipt of vast sums of the public money in the shape of duties, compositions, and penalties, has never, since his appointment to office, made any entry in any book kept for the purpose, of the sums so received, and by this means puts it out of the power of the Board, to whom he should render his accounts, to discover either what sums have actually come to his hands, or what share has been paid to the informer in each case, or what balance is due to the Crown, such proceeding is not only utterly irreconcileable with *strict integrity* in the conduct of the officer that is guilty of it, but raises a strongly opposite presumption.”

“ When these three commissioners here state that they ‘ are compelled to say that Mr. Bremner’s accounts have not been, and are not, kept with that order, distinctness, and accuracy which ought to be observed by a public officer,’ they obviously so express themselves as to have it understood that his accounts have been, and are, kept with a *certain degree* of order, distinctness, and accuracy, though not with so much as

ought to be observed by a person in his official situation. But I would ask, whether they found any accounts that were not *the complete reverse* of every thing to which the terms order, distinctness, and accuracy could attach? Whether any papers deserving even the name of *accounts* were produced to them; or which contained any other than loose, disjointed memorandums of penalties awarded on this and that prosecution, for the *receipt* of which there was no voucher, and of the *appropriation* of which there was no evidence? It is said, 'there is no *regular* cash-book kept by Mr. Bremner;' but was a cash-book of any kind produced? The fact is there is not only no *regular* cash-book kept, but *no cash-book whatever!* When, moreover, they suggest that, '*a different system* of keeping the accounts ought to be adopted,' they manifestly mean it should be inferred that there is a *system* of book-keeping, though a defective one, whereas there neither was, nor ever had been, *any system of book-keeping* in Mr. Bremner's office, nor any means, from either book, vouchers, or record, of discovering whether he does or does not account faithfully for the sums of money which, by virtue of his office, are paid into his hands."

Having subjected the entire report to the same analysis, I showed it to be a mass of mis-statement and deception throughout, and the result was that no use could be made of it. It could neither be used to ground a charge of misrepresentation and injustice against me, nor to justify the restoration of Mr. Bremner, and it was ultimately thrown into the wicker basket as waste paper.

And, be it noted here, who were the persons employed to countermine all that I had been doing for the public service? Mr. Sykes and Mr. Campbell, two of the chief officers acting under the Board of which I was Chairman! Was the breach of all official subordination ever before carried to such an extent as this? Did the rancour of personal hostility ever before resort to such unworthy and indefensible means? In a nation, and under a government such

as ours, men cannot contemplate such proceedings without a sickening at the heart.

I here take leave of your Lordship for a while. The failure of the above embassy gave birth to a new plot, under the same managers and the same prompter, but with new actors and different machinery. This will fall next to be unfolded.

JAMES SEDGWICK.

Kensington.

LETTER VI.

TO THE RIGHT HON. FRANKLAND LEWIS.

SIR,—A considerable period has elapsed since I publicly addressed a series of letters to the late LORD WALLACE, as chairman of that Commission of Revenue Inquiry which, in conjunction with yourself and certain other members, he had been appointed to conduct, and by whose agency the late Board of Stamps was dissolved.

The dissolution of a public Board was a measure till then unknown, either in the judicial or the financial history of the country. If it was rendered imperative by the proved delinquency of its members, and their consequent unfitness to be continued in the public service, in this case the measure reflected honour on the Government, and the promptness with which it was executed cannot be overpraised. But if, on the other hand, it had its origin in a foregone determination to rid themselves of an obnoxious servant of the Crown, whose allegiance to the public, instead of the Treasury, had given dire offence, it becomes, in this case, a precedent the most fearful in its kind, and the most alarming in its consequences. There is no extreme of oppression that may not be practised under it, nor any public man that may not be brought within its reach. The authority of Parliament may be prostituted under it to any extent, since it is made to give its sanction to the most grievous injustice, and thus prevents the public attention from being awakened to it.

The spirit of personal hostility betrayed throughout the whole of the Report to which I advert, is completely in accordance with its object. It was meant, from the first, as a basis for recommending that dissolution of the then Stamp Board which was grounded upon it, and which the few who were in the secret knew to be long before resolved upon.

The cause which led to this will be no mystery to those who have read my recent letters to **LORD GRANVILLE SOMERSET**. The bulk of the people of this country have a considerable share of shrewdness; they may be sometimes too easily misled, but the delusion never lasts long. If they are carried away by the flood, they are brought back by the ebb.

There are no reports, as I remarked, when addressing myself to your colleague, **LORD WALLACE**, to which the public attach greater weight than reports proceeding from a *Parliamentary Commission of Inquiry*. This feeling is most proper; it is a feeling which lies at the foundation of that respect which ought ever to exist towards whatever emanates from so high and estimable an authority—from an authority delegated by the highest tribunal known to this kingdom, and which is assumed to be trusted to individuals that, from their known wisdom and tried integrity, are peculiarly fitted for so honourable and arduous a trust. The persons so appointed have not their own reputation only to support; they have—what is of infinitely greater moment—the character of Government to sustain. It behoves them, therefore, to take especial care that they do not, by perverting the powers confided to them, bring those into discredit who placed that power in their hands. *Parliament* itself is made to lose much of that strong hold which it has—and ought to have—upon the minds of the country, if, in any instance, the persons whom it has thus selected should be found to have so inverted their authority as to have put down the *reformer of the abusers*, instead of the *abuse*, and to uphold a system fraught with ruin to that revenue which it was their especial duty to rescue from such pernicious and flagrant mismanagement.

In my letters to **LORD GRANVILLE SOMERSET** I fully exposed the failure of the mission of Messrs. **SYKES** and **CAMPBELL** to Scotland, who had been employed to make and forward to the Treasury, as the result of their special and minute inquiry, a report that should so strongly attest Mr. Bremner's official integrity and good character as to make the suspension of him appear to have been an unwarrantable

act, and thus not only to justify his reinstatement, but to enable their Lordships, as, had it been successful, it would have done, to resent in whatever manner they might have deemed expedient, the offence I had given them, by daring to defend myself from the imputations they had cast upon me.

The object of their expedition to Edinburgh having been frustrated, a more formidable and effective engine was resorted to—an engine which would do its work under the more immediate direction of its employers, and from which no failure was to be apprehended. It was now resolved to give the imposing air of a parliamentary proceeding to any future step they might take against me, as in that case its justice, however it might be denounced by me, would not be questioned by the public, as the Treasury would act ostensibly under an authority to which no one would feel disposed to demur.

At this period there happened to be a Commission of Revenue Inquiry sitting in Ireland, composed of the late **LORD WALLACE, yourself**, and three other Commissioners. This commission was at first confined to Ireland; but an Act was now passed to extend it to Scotland and England.

This brings me to the detail of that plot which, looking to the whole of the framework, has perhaps no parallel in official history. Had **LORD WALLACE** been still living, the letters which I now address to you, as being the most influential of his coadjutors, would have been addressed to him; but there are certain Acts in which the law treats all accessories as principals, and on the present occasion I shall follow the law's example.

Having closed the commission of inquiry in Ireland, its members forthwith proceeded to Edinburgh to investigate, now for the third time, the system of revenue management in the office of Mr. Bremner, and the other department of the Stamp Office in Scotland.

As the report of Messrs. SYKES and Co. had, by my dissec-

tion of it, been rendered utterly unavailing, it was now resolved to give to the *strict integrity* of Mr. Bremner the stamp of what might be deemed a parliamentary attestation. As nothing had transpired as to the failure of the attempt which had been recently made to procure certificates of his character, the high testimonial which your commission contained came before the public with all the freshness of a first inquiry. It bore upon the face of it to be the deliberate and conscientious investigation, and was not suspected of being, what in reality it was, nothing more than the materials of their exploded report hashed up again. Dressed out as it was, in all the majesty of Parliament, from whose authority it appeared to emanate, no one imagined for a moment that its sole purpose was to justify the restoration to office of a veteran delinquent, whom the Board of Stamps, in the due discharge of its duty, had deemed it expedient to suspend; and that, while carrying with it all the solemnity of an official investigation, it was, at bottom, no better than an illusion and a mockery.

Under your Parliamentary Commission, as under the private one conducted by Mr. SYKES and his co-inspectors, no inquiry whatever was made of the Board in London as to the character and conduct of its officers, which, as must be clear to common sense, was the first information which ought to have been sought. But to have sought information from this source would not have answered the purpose. The commission to which you were attached wanted no such clue to their inquiries. You did as your predecessors had done, you consulted Mr. Bremner himself and the leading officers of the other departments, as to whether their respective duties were properly performed, and whether any abuses existed to which an effective check might be applied. This grave inquiry was answered by an assurance that their duties were correctly discharged, and that no checks were called for, nor could any change be introduced with advantage. I have called a *Parliamentary Inquiry*, thus conducted, an illusion and a mockery. Are the terms too strong for it? Suggest any other that are more suitable, and I will adopt them.

But it is fit that I should give the public a nearer and more distinct view of the manner in which the members of your Commission discharged the trust confided to them.

The clear detail set forth in my report to the Treasury of the enormous loss sustained by the revenue from the inefficient collection of the legacy and probate duties in Scotland, was kept wholly out of sight. Instead of being sifted—as from its importance it ought to have been—to its very depth, it was passed by as alien to the main object of inquiry. All animadversion that could tend in any way to inculpate Mr. Bremner was carefully avoided. His never having kept any index-book, or registry of any kind in which the number or account of wills and probates might be found, or having any book of account in his office, in which the vast sums of money which, from time to time, came to his hands, as the produce of legacy and probate duty, could be traced—of these flagrant and fatal derelictions of duty no mention was made—of the number of wills and probates, of which no account could be given; of legacies upon which no duty had been paid, or even applied for; and of property chargeable with probate duty, of which no account had been taken. To all this no attention was drawn. It was suffered to pass as a system of management from which the revenue suffered nothing, and to which no blame attached. The same silence was carefully preserved as to the many other heads of duty which his official negligence had rendered well nigh unproductive. No investigation whatever was instituted, either into the fact or the consequences of Mr. Bremner never having kept any register of prosecutions, nor of the amount of penalties received under them; nor any vouchers of their application, during the period of *thirty years*, during which, first as deputy, and afterwards as principal, he had held the office of solicitor! To what momentous inferences does this lead?

In my report to the Lords of the Treasury I had dwelt emphatically, among other abuses, upon the practice I had discovered to prevail in the different departments of the office, of *taking interest upon the public money* at the rate of 3 per cent.,

from different banks in Edinburgh, in which it was deposited for a given period, instead of being transmitted to London at the proper intervals, as by express order of the Board it ought to have been. The emolument derived by Mr. HEPBURN alone, the head distributor, from this forbidden source, amounted to upwards of £500 per annum. This outrageous breach of duty every member of your Commission was well apprised of before they entered on their inquiries; as not only had my report brought it to their knowledge, but they found it most explicitly recorded in those "Observations" on the Treasury minute, to which all I have since been made to suffer may be traced. After developing the ties of consanguinity, which made the whole office one compact and inseparable body, I added :—

" Can the public revenue be safe in the hands of officers thus allied in interest, maintaining the closest union, acting with inviolable concert, and withdrawn by distance from the eye and superintendence of the Board ? Mr. Hepburn, the head distributor, receiving interest on the public revenue passing through his hands ! Mr. Pender, the COMPTROLLER, who should check this, *himself* keeping the distributor's cash-book, *adjusting the interest balance*, keeping the account current with the bankers, and acting in all respects as his steward and chief agent ! Mr. Bremner, moving in the same deep-worn track of abuse ! "

You might further have found out, had you bent your inquiries at all in that direction, that not only the principals, but *their clerks*, turned the revenue to good account in the same way, and this, too, with the assent of their principals !

With the whole of this unparalleled system of abuse before you, not a single measure did your Commissioners recommend, not a single step did they take to rectify it. The sole object was to represent Mr. Bremner before the public as every way worthy of the protective interposition of his patrons ; and good care was taken that in the Report to Parliament no shadow of odium should be cast upon him.

I would willingly have unfolded this proceeding more briefly, but the serious account which it leaves you to settle with the public did not admit of it.

Having covered up and confirmed the abuses practised in the Stamp Office at Edinburgh, and thus left that iniquitous system worse than you found it, you proceed to London, where you no sooner arrive than your immediate attention is turned upon the Board at Somerset House. The public will here find your inquisitorial zeal taking a very, very different course, and will be made—perhaps for the first time—aware of what atrocious species of persecution may be carried on under the apparent authority of Parliament, when that authority is entrusted to a tribunal which thus shamefully abuses it.

JAMES SEDGWICK.

LETTER VII.*

TO THE RIGHT HON. FRANKLAND LEWIS.

SIR,—Examples carry their own lessons along with them. They instruct by facts, which is the most profitable of all instruction. In this view the Report of your Commission of Revenue Inquiry, which effected *the dissolution* of the Board of Stamps, and that recent Commission for inquiry into the CUSTOM HOUSE FRAUDS, of which LORD GRANVILLE SOMERSET was Chairman, and which effected *the preservation* of that Board of Customs, afford a contrast so remarkable, and withal so edifying, that I shall not fail, when the time shall call for it, to place the most striking features of the one side by side with the other. The opposition of light and shadow will set off both Commissions to advantage: it will, moreover, furnish a key to much that, without it, the most logical understanding would not be able to expound. But, at present, I have a different exposition before me.

The preconcerted plan of examination, which brought off the official delinquents in Edinburgh so triumphantly, being at length brought to a close, the chief office at Somerset House was the next upon which you proceeded to sit in judgment. It will here be necessary to draw attention to the very different disposition which your inquiry manifests, and the scrupulous and austere tone which it assumes. The whole face of affairs now becomes inverted. The culprits who had been acquitted on their own evidence, are now put forward as most sedulously protective of the revenue, and as having from time to time recommended improvements, the adoption of which my influence, as Chairman of the Board, had so perseveringly resisted, that they at length abandoned all attempts at reform as hopeless. Were not this fact authenticated, it would be absolutely incredible; I therefore give the following brief extract from the Report to Parliament, in confirmation of it :—

* This, and those which follow it, are the excluded Letters adverted to in the prefatory Address.

"In the course of our detailed examination in Scotland, which, as we have already stated, preceded that in England, it came in evidence before us that various representations, made by officers there, with a view as well to the security as to the better collection of the public revenue, *had not received the attention from the chief office to which they appeared entitled*; and our general inquiries, in that part of the kingdom, satisfied us that the superintendence exercised by the Board in London, *was neither regular nor effectual*. Under these circumstances, on our return to London, we felt it our duty to postpone other investigations, for the purpose of directing our attention to this department; and as the causes out of which a situation of things, *so apparently defective and unsatisfactory*, had arisen, could scarcely fail to affect the Commissioners,—and as we had reason to suppose that such causes were, in a great measure, to be traced to *the state of the Board*, it became necessary to give our examination a *character more personal*, as well as to put to *the subordinate officers* questions more pointedly directed to the official habits and conduct of *their superiors*, than under other circumstances we should have thought advisable."

Mr. Kappen, the secretary of the Board—a willing witness—is the first person called. The following extract, from his examination, will open a sufficient insight into the nature of the suggestions made by those worthy functionaries on the other side of the Tweed, which are represented as having for their object the security and better collection of the Stamp revenue:—

Q. "Do you recollect, among the papers which have been received from Scotland, upon subjects relating to the Stamp Office, any recommending certain measures to be taken with a view to *a more efficient collection of the revenue in Scotland, and to the good order and discipline of the office?*"—"There have been applications.

Q. "Do you recollect whether the Chairman has brought those letters under the consideration of the Board, or whether, if he has not done it, you have yourself ever done so?"—"With

respect to any order for the regulation of the office, I do not remember any circumstance of that sort arising, nor any recommendations from the head collector or comptroller; but applications have been made for *a porter*, which has been refused, and the Chairman was very violent in his opposition to it. He said, that it was not at all requisite there should be another porter, that *he considered it a job, and therefore would not sanction it.*"

Q. "Can you account, in any other way than from those papers being thrown aside, and not brought before the Board, for the fact that many statements and suggestions that have been made by the Comptroller in Scotland have not only not been conceded, but have not even received the smallest notice or answer?"—"There have been such things certainly."

Q. "Have you ever understood from him, that he has been deterred from making any further suggestions, in consequence of the uniform neglect that his statements have received?"—"Yes, we had one letter nearly to that purport from the Comptroller."

Q. "Are there many papers that have been laid aside for consideration by the Board, and have not been considered?"—"Not a great many; the chief of them are references from the Treasury which require a good deal of consideration, and some applications, such as that of Mr. HEPBURN for an additional porter, he had endeavoured to shew the necessity even of *a third porter*, and the CHAIRMAN says, '*A parcel of nonsense, it shall not be attended to; it is all a job.*'"

Q. "Has that ever been brought under the consideration of the Board?"—"Yes."

Q. "Are the Board all of the same opinion, that it is a job?"—"No."

Q. "When such a question as that occurs, and is brought under the consideration of the Board, *describe what the proceeding is?*"—"Mr. Sedgwick sets his face against the application entirely; that deters three or four, perhaps, of the Commissioners from giving any sanction to it. *One or two others may think Mr. HEPBURN is better qualified to judge of*

the necessity of this additional porter than they may be, and that he makes those applications only from the necessity of such a man being appointed; but, from the opposition thrown in the way by Mr. Sedgwick, the chairman, the other Commissioners do not sanction it, and therefore it lies *sub silentio.*"

This examination, which was intended to verify and proclaim the alacrity of the officers in Scotland in the service of the revenue, and the contrasted indifference of the *Chairman* of the Board in London, well illustrates what the Commissioners meant by "feeling it necessary to give their examinations a character *more personal;*" and in this spirit their inquiries were pursued from the beginning to the end.

The attempt to invalidate my Report of the Officers in Scotland, by thus describing them as earnestly desirous to benefit the revenue, while I, as Chairman of the Board, was obstinately opposing them, is a sample of the spirit in which this mis-named *Parliamentary Inquiry* was conducted throughout, and which is betrayed in every page of it.

Any one would expect that after the above interrogatories, and the answers to them, no further attempt would have been made to follow up the subject. But the end in view was not to be so readily abandoned. The Commissioners next resolved to try to what confessions the *Chairman* might be brought, if probed by the questions which they had previously prepared for him. Accordingly, I am myself summoned and catechised, as follows:—

Q. "Are there any letters that come to you, as Chairman, of an official character, which you decide upon yourself, or act upon yourself, without communication to the Board?"—"No. I never receive a letter addressed to myself, as Chairman, without handing it over to the Secretary, even though it should be written 'Private;' as I never receive letters which may not be communicated to the Board, and I considered the word 'private' as written to prevent their being opened before they come to my hands."

Q. "Are the Commissioners to understand that the subjects

of all routine letters are, or ought to be, decided upon by the Board?"—"Yes, certainly."

Q. "Do you recollect several suggestions, of different kinds, that have been presented to the Board, from the Comptroller in Scotland, relative to the arrangement of the office in that country, *to which no attention has been paid?*"—"I will not undertake to answer *that* question;—but this I will undertake to answer, that if it *deserved* attention, it had it."

Q. "It has been stated to the Commissioners, that on the establishment of the office in Glasgow for the assay of plate, the Comptroller intimated to the Board, that the duty might be paid by the assay-master to the head-distributor in Edinburgh, instead of the head-distributor in Glasgow, whereby the poundage might be saved, *but to this no attention was paid, and he received no answer?*"—"I cannot, at this moment, speak to that particular fact; but I am so perfectly aware of the character of the Comptroller's office, that I should think it deserving very little attention, unless it appeared to do so from the nature of it."

Q. "Generally speaking, if you had opened such a letter, shoulyou conceive, whether coming from Mr. Pender, or any of the officers in Scotland, that it deserved no attention, and therefore should not bring it before the Board?"—"Certainly not. If that letter had arrived, I should have placed it before the Secretary; but when I speak of letters that do *not* deserve an answer, *I allude to other instances.*"

Q. "There were various othersuggestions made by Mr. Pender which, as the commissioners have understood, have not been provided for, and to which no answer at all was given; in consequence of which, as he declared to the Board, *he ceased to make any suggestions* on the subject of the department, because they never received any attention; are the commissioners to consider *the Board itself, as a body, responsible for this omission?*"—"Without reference to the particular letters, I cannot answer that question; I am not aware of any letters which have been received on subjects of importance to the revenue in Scotland which did not receive an answer."

Q. "The Comptroller also suggested to the Board, that the

advertisement duty on the Glasgow, Aberdeen, and Dumfries newspapers should be paid to the head office immediately, without going through the hands of the sub-distributors, as was the case with the other country newspapers of Scotland, whereby the per centage to the sub-distributors would have been saved : but the Board took no notice whatever of this suggestion?"—" It is impossible that I can answer such questions as these, especially upon oath, unless the facts had been previously communicated to me, and I had been enabled to look into them."

Q. "The questions refer to *suggestions for the better conduct of the public business*, which have received no answer?"—" I cannot answer without looking into the matter; but as to Mr. Pender, or Mr. Bremner, both of whom are as bad officers as can be, and have squandered away more of the public money than was ever squandered by men in their situations, I should have paid very little attention to *their* views of what might be desirable. There could not be worse officers ; my Reports shew what they have been ; and my only surprise is, that *both he and Mr. Bremner, have been continued in office*, for I know that by *my* inquiry into the state of their offices, I increased the revenue £60,000 a-year, shewing pretty well what Mr. Pender was as a Comptroller, and how the revenue was looked after ; he was, in fact, taking interest on the public money, and suffering his clerks to do the same, as will appear by my Report."

This answer took the commissioners somewhat by surprise, and not caring to extract any more such unpalatable truths, they slid away from them without remark, and turned off to a different topic.

A commission thus executed is, to the last degree injurious to the best interests of that revenue, which it was expressly appointed to secure. It derogates from the dignity of the legislature, by distorting its purpose and prostituting its authority. The spectacle is most revolting. Here are Commissioners outwardly professing to investigate the conduct of notoriously bad officers, while secretly they are shielding them

from blame, and striving to falsify every charge that had been proved against them. Well knowing their neglect—their mismanagement—their deriving an illicit profit from the public money passing through their hands, and actually allowing their subordinates to profit by the same culpable practice—with all these abuses—and the ruinous defects of the whole system fully within their knowledge; not only stifle all exposure of their offences, but hold them up to the public as most deserving officers, zealous for the good of the revenue, but whose suggestions for its improvement, I, as Chairman of the Board, had so pertinaciously disregarded, that they were at length tired out and ceased to continue them.—That I had an inveterate enemy in the back-ground I well knew, but that a course of proceeding such as this could have received sanction in *any* quarter, was not to be imagined.

Keeping in view the express words of the Treasury warrant, which commences by stating that, “The Lords Commissioners of His Majesty’s Treasury, *having reason to believe* that the revenue arising from the duty on probates of wills and legacies in Scotland is *very ill collected and paid*, and that *the whole system of the management* in Scotland *requires revision*”—and under which I was directed, “to proceed *without delay* to Edinburgh, to make inquiry into *the system and conduct* of this important branch of the revenue, and to report *speedily and fully* to their Lordships thereon,”—and which emphatically desires that I will “with as little delay as possible *investigate the conduct of the solicitor* of the stamp office in North Britain (Mr. Bremner), and report to their Lordships fully the result of such investigation;” and further, that I will require of the said solicitor to deliver to me *an account of all monies received and paid* by him from the date of his appointment; and that if *the urgency of the case* should appear to require that *immediate proceedings* should take place before their Lordships’ directions could be received, authorizes me to advise with the Lord Advocate as to the steps which should be taken.—Keeping these specific directions in view, which avow, as strongly as language can avow, the *known existence*

of those abuses, and of that "conduct" on the part of the solicitor which have caused the revenue in Scotland to be so "*ill collected and paid.*" After this, is it possible that the public can witness without surprise and indignation, the success of that intriguing Scotch influence, which rendered the important result of my investigations under the above Treasury warrant utterly abortive,—add to this, the mission of Meers. SYKES, CAMPBELL & FORBES, to get up a counter-report; and that failing, the appointing your Commission of Inquiry to follow out its vindictive purpose in the manner above shewn.

There is something in all this so wholly uncalled-for by any apparent cause; and there appears, upon the face of it, such a waste of self-impeachment, that, to most persons, it must seem inexplicable. But it will be no longer so after my next letter. Bad as the course of proceeding hitherto had been, it was only a prelude to the atrocious conspiracy which followed it, and of which I was eventually made the victim.

JAMES SEDGWICK.

Kensington.

LETTER VIII.

TO THE RIGHT HON. FRANKLAND LEWIS.

SIR,—It is the conflict with adverse fortune that best tries both our faculties and our fortitude, but a contest with the Treasury answers no such useful purpose. It possesses resources of oppression with which no individual strength can combat. A man is cast down by the impossibility of making a successful stand against power;—his appeal for justice, press it as earnestly as he may, avails nothing;—his voice is stifled as effectually as by the hand of death;—his faculties, after a time, lose their force;—his fortitude gets exhausted, and he finds at last that there is no alternative but to submit in silence to his fate.

Thus it is when he struggles individually, and without a witness; but when he is roused by the severity of his wrongs to seek a verdict from his country, he takes a new position, and a more commanding attitude. It is of this advantage that I have at length availed myself, not willingly, for I was most desirous to avoid it, but the step was forced upon me by Mr. GOULBURN. My recent Memorial, and the answer to it, both of which will appear before the public, decided my future course. I at once determined that *that* Memorial should be the last.

The outline, which I have already filled up, brings me to the crowning act of that despotism which has so long borne me down. I shall confine myself at present to a brief and simple statement of the ground plan on which the conspiracy was based; the comment which it calls for will come in its order.

Sir WILLIAM MONTAGUE (now Admiral Montague), one of my colleagues—than whom a man of higher feeling, or more rectitude of principle, never sat at any public board—

took an opportunity one day of remaining behind after the other members had left the Board ; and, after some slight preface, told me, that certain information had been made to the Board, under an injunction of secrecy, which had been withheld from *me* ; that it was now ten days since it had been first mentioned, and that, in justice to me as Chairman, he could not in honour any longer conceal it from me. It will be readily imagined that I heard this with no little surprise. On my asking him as to the nature of the subject to which he alluded, he said, "Our solicitor, Mr. Sykes, informed the Board, about ten days ago, that information had been privately made to him that the County Fire Office was in the habit of obtaining fraudulent returns of policy duty, to the amount of £2,000. yearly ; and you, being one of the Directors of that Office, he wished, that until further inquiries were made, nothing should be said to you upon the subject." After some further conversation, in which I thanked Sir William for the communication he had made to me, he left the Board.

I now rung the bell, and desired to see Mr. SYKES. On his appearing, I stated to him what had passed between myself and Sir William Montague, and asked how it could have happened that, as Chairman, I had not been made acquainted with this alleged fraud ? His reply was, that he had written to Mr. Bremner as to certain policies in Edinburgh, upon which returns of duty were stated to have been unduly received. The instant I found that he was taking counsel of Mr. Bremner, I suspected there was some under-plot going on, and I insisted that the evidence, whatever it might be, upon which this accusation against the County Fire Office was grounded, might be laid before me, and that a prosecution should be immediately instituted if there appeared to be ground for it. Upon which, to my great amazement, he told me, that he had already laid the matter before the *Commissioners of Revenue Inquiry*, before whom it was undergoing investigation !!

The above is a statement of the affair thus far simply as it

stood. The colour given to it, and the manner in which it is worked up by the Commissioners in the Preface to their Report, will be seen in the following extract :—

" As several of the policies, to which suspicion attached, purported to have been issued to parties residing in Edinburgh, Mr. Sykes was directed to write to the Solicitor of Stamps, enclosing a list of policies effected there, respecting which these irregularities were suspected, and requesting him to obtain all the information in his power as to their commencement, continuance, and termination. By the answer to this letter, your Lordships will perceive that the fact of the existence of some of these policies, during the years for which return of duty had been claimed, was clearly ascertained, though the death or failure of several of the parties prevented a full report upon the whole list. A few days before this answer from Mr. Bremner was received in London, Mr. Sykes mentioned the circumstance of the suspected fraud to the Chairman ; but he did not communicate to him the fact of the application having been made to Edinburgh, until Mr. Bremner's answer was received. It is stated in evidence, to which we beg to refer your Lordships for a more particular representation of what passed on that occasion, that the CHAIRMAN expressed himself *very much dissatisfied at the reference to Edinburgh*, and objected to the course of following up the inquiry except through the County Fire Office itself. Mr. Mawe, the solicitor's clerk, was also sent for by the Chairman, for the purpose of making some inquiries on the subject of the investigation on this occasion, when the Chairman *repeated his dissatisfaction* at the course which had been taken."

What—I asked in my third letter to LORD WALLACE, the Chairman of your Commission—What does this plainly mean to insinuate? It means to insinuate *this*—that, being previously aware that possibly an account of undue returns of Insurance Duty might be obtained, if inquiry was made through Mr. Bremner, the *dissatisfaction* I expressed arose from my finding that Mr. Sykes was pursuing his inquiries in

that quarter. Such is the imputation conveyed. Now for the fact.

I certainly *did* express myself *very much dissatisfied* at this. And why? Because he had concealed this alleged fraud so carefully from me; and, instead of at once—as it was his duty to have done—instituting a prosecution if he had evidence to support it, he was, *unknown to me*, concerting with the Commissioners of Inquiry, getting up a charge jointly with them, and, though Solicitor to the Board of Stamps, was acting in secret, as *their* solicitor, receiving *their* direction, and carrying on a correspondence with their avowed *protégé*, Mr. Bremner, who I knew would not fail to *inquire away* my character, under the pretext of procuring the information for which he had been thus privately requested to search. Aware, as I was, of all this, I think the public will admit that the dissatisfaction I expressed was sufficiently well-grounded, and that the shape which it is made to assume by the Commissioners was in character with that spirit of personal hostility betrayed in every part of their Report. The same *criminalizing insinuation* is thus followed up:—

"In consequence of the Chairman of the Board of Stamps being also a Director of the County Fire Office, Mr. Sykes represents that he had felt a difficulty in communicating with him on the subject of *a charge against this Company*, nor did the Chairman receive any intimation of the imputed fraud from the Commissioners to whom *the suspicion* had been originally imparted. By *the evidence of Mr. SYKES*, it appears that *he was apprehensive* that the object of the inquiry *would be defeated* by Mr. SEDGWICK *being put in possession of the facts on which the charge was founded*, before the necessary steps had been taken to establish the case." And it immediately goes on to state this impression as being "*founded on an avowed distrust of the conduct of the head of the department!*"

Now, whoever reads this must naturally infer that my official conduct, with which Mr. SYKES must necessarily be well acquainted, must have been such as to warrant the

privacy with which he had deemed it necessary to proceed. They would conclude that he must have good reasons for holding it unsafe to let any hint of what was going on transpire in my presence. It was meant that their Lordships and the public should so conclude, and it was dwelt upon thus at length that they might not fail to do so.

Finding this defamatory imputation against me thus blazoned before the world, I turned anxiously to the evidence of Mr. SYKES, that I might see whether he had set forth any ground for the foul imputation which he so plainly conveyed. I turned to his examination — read it over and again — but *not a word of such an aspersion could I find*; on the contrary, he bears a testimony directly *the reverse*, as the following extract from it will demonstrate :—

" On the Tuesday I received a letter from Mr. Bremner, disclosing the information he had obtained. I took the letter into the Board-room; the Chairman was extremely angry to think I should send to *Scotland* to make inquiries on the subject. He said, ' The proper way would have been to have gone to the County Fire Office, and have asked for their books.' I said, ' We may differ a little upon that. If it had been found out on the books coming before you, probably that is the way that would be adopted; but if a person comes and gives information, putting it in a strong way that fraud had been committed, the first thing is to ascertain whether fraud has been committed or not.' That was all that passed. He (the Chairman) was touched personally, thinking an imputation would be thrown upon *his* conduct, and that it would be thought *he* had sanctioned the frauds, *whereas I was perfectly satisfied he knew nothing at all about them!*"

Perplexed how to account for this irreconcileable statement, I proceeded on till I came to that of Mr. MAWE (Mr. SYKES' head clerk), from whose evidence it appears that Mr. DEANS, a clerk in the Comptroller's Office, had been sent to the County Fire Office, with instructions to make inquiry as to the commencement and termination of two particular policies, and that not deeming the information he

had acquired to amount to much, I had given it as my opinion that he ought to have been more fully instructed. Mr. MAWE is asked:—

“ When Mr. DEANS returned had you any further communication with the Chairman ?”—A. “ On the day following, Mr. DEANS communicated the result of his inquiries to the Board ; the result did not answer the expectations of the Chairman, and he ordered me to explain why Mr. DEANS had not been put into possession of more facts than he had been.—I said, ‘ I thought it was *unnecessary* for the object of the inquiry to put him in possession of those facts, *suspecting that, by possibility, the object might be defeated* by Mr. BEAUMONT getting possession of them,’ and the Chairman was exceedingly angry that I should presume to take this upon myself ; and Mr. DEANS was directed to attend at the County Fire Office to investigate every transaction.”

It will be here seen—what without this irresistible evidence would not be credited—that the Commissioners have deliberately substituted the name of Mr. SYKES for that of Mr. MAWE, and put Mr. SEDGWICK in lieu of Mr. BEAUMONT, and by this transmutation have framed the slanderous insinuations which stand thus in their report, and which I again transcribe :—

“ By the evidence of Mr. SYKES it appears he was apprehensive, that the object of the inquiry could be defeated by Mr. SEDGWICK BEING PUT IN POSSESSION OF THE FACTS ON WHICH THE CHARGE WAS FOUNDED, before the necessary steps had been taken to establish the case, this impression, FOUNDED IN AN AVOWED DISTRUST OF THE CONDUCT OF THE HEAD OF THE DEPARTMENT, &c.”

What protection has any official servant of the public against such deliberate perfidy as this ?

If in private life any knot of men were to wreak their vengeance on an individual, by such a prostrating system of slander as I have had to bear up against, they would be amenable to the law, and would be made to pay the penalty of their baseness. The sympathies of an English Jury are always with the

oppressed. But against these Commissioners no measure of redress was open to me. I found it useless to address, either expostulation or remonstrance to the Treasury. **LORD GRANVILLE SOMERSET** and his then Associates at the Board were silent lookers-on. It was in that quarter that the deadly attack upon me was planned, and this was in the train of it.—The Commissioners well knew, that into whatever hands their report might fall, *their preface* to it only would be read, that no one would care to verify their quotations from the evidence, and that, however falsified, they would be safe from detection, and they framed it accordingly.

Persons charged with the high and responsible trust of conducting a Commission of Revenue Inquiry, are not aware of the serious consequences which attach to their abuse of it.—They are not aware of the influence by which the public are imperceptibly acted upon. The hatred of injustice is a common impulse, since every one fears that his turn may come next. Tyranny appears to be making its way into their own neighbourhood, and they combine to make common cause against it. The real strength of Government consists in the hold it has upon the popular mind; a character for oppression is fatal to it.

If upright and high-minded men are to be found anywhere, they ought to be found among those who fill the highest offices in the state. It is for such men to inspire the age with that high sense of personal honour, which is at the bottom of all real greatness. Their influence in the way of example—whether for good or evil—is constantly acting on the great body of the people. If instead of fostering official integrity, they discourage and depress it, the ill-consequences to the community, are pernicious in the extreme. The morals of the multitude are silently undermined. Their faith is shaken in that vital truth, that ‘honesty is the best policy;’ than which a greater evil cannot befall society. The alarming progress of dishonesty, so observable in the present day, owes but too much of its prevalence to the very low tone of morals, both in Church and State. To thoughtful minds, this is a source of gloom and sorrow.

I had intended to have given the letter addressed to **LORD WALLACE** by Mr. BEAUMOUT, the late Managing Director of the County Fire Office, which unveils the conspiracy in which the fabricated charge against that office originated ; but the space I have already occupied, compels me to defer it.

JAMES SEDGWICK.

Kensington.

LETTER IX.

TO THE RIGHT HON. FRANKLAND LEWIS.

SIR,—When, owing to the negligent superintendence of a Public Board, to which the management of a particular branch of the revenue is entrusted, there is reason to believe that a system of fraud is going on, which has grown out of this culpable inefficiency; in such case, the constituting a special Commission of Inquiry, is a measure manifestly called for by the urgency of the occasion, and the public give praise to the vigilance of the government that adopts it. The magnitude of the **CUSTOM HOUSE** *frauds*, for instance, alike ruinous to the fair trader and to the revenue, appear in evidence to have owed their origin to the absence of that proper supervision, and of those preventive checks, which it was the duty of that Board to have exercised. The Report which verifies this fact is, in all its features, a remarkable one. It left the Commissioners, to whose superficial inspection these inveterate frauds were mainly traced, *as firm in their seats as ever*.—How strikingly different, both in the course pursued, and in its consequences, was the result of the **STAMP OFFICE** Commission of Inquiry, which you took part in conducting. Not only was there no defectiveness found in *that* system, nor any collusive irregularity of any kind, either among the superiors or subordinates, but there was no previous ground even for the suspicion of any official malversation or misconduct, that could render a Commission of Inquiry necessary. This is proved past denial by the fact, that the Parliamentary Commissioners with every disposition to have discovered abuses, and to have made the most of them, *found none to rectify*, nor were they able, at the close of their investigation, to mould the system into a better shape than they found it.

And yet to the consternation of every one, the Board of

Stamps was suddenly dismembered and the Commissioners discarded at a stroke. No reason whatever was assigned to the public for so extraordinary a measure. No cause was alleged, even to the disbanded Commissioners themselves, for a step which only the most imperative necessity could have justified. I purpose to furnish a clue to all this. I have done so in part already. I shall do it more conclusively as I proceed. Thus much I will content myself with affirming at present—Could I, as the Chairman, have been got rid of without dissolving the Board, its dissolution would never have taken place.

The full developement of the plot carried on under your parliamentary commission, would require me to enter at length into the charge of fraud brought against the County Fire Office—a charge founded in wilful and deliberate perjury from the beginning to the end, and of which perjury as I shall presently show, *the Commissioners themselves were the abettors*.—My intention at present is only to throw such light upon the leading features of the conspiracy, as will convey to the public a sufficiently clear knowledge of the case. This purpose will be best answered by laying before them the following letter from Mr. BEAUMONT to the late LORD WALLACE, which he was charged by his Lordship, with having written with a view to excite him to a breach of the peace, and prosecuted by an *ex-officio* information in the Court of King's Bench :—

“ Sir,—A public functionary of fourteen years standing myself, I can readily make allowance for another who, from mere error in judgment or defect of temper, is betrayed into an occasional act of harshness, or injustice; but the means which you, in confederacy with Mr. Sykes, have used to raise a charge of fraud on the Revenue against myself and others, and your perseverance in that charge for a period of two years, in despite of the proofs of its utter falsehood which have stared you in the face, so far exceed all the usual bounds of official injustice, that I can find no excuse or palliation for your conduct. I will just mention a few of your acts, and if you can reconcile them to any principle of equity, you will do more than any other person can accomplish.

“ *Mr. Sykes's pretended hearsays set forth* that we had defrauded the Stamp Office constantly of £2000 a year, in the duty account; that we were then making out fresh book

—complete new sets of books; he adds, that the clerk who had made the wrong entries, and had absconded on a charge of felony, he suspected *we had got out of the way to make the fresh books*; that we had refused the inspection of our books, and that we had tampered with the people at Edinburgh, to disavow the payments of duty which they had made. Now, Sir, you have not only received these pretended *hearsays* and *suspicions* as *evidence*, which is contrary to every principle of justice, but you have laboured to give them the semblance of truth *by your own practices on our clerks*, encouraging the discarded ones to vituperate their employer by thrusting in their mouths the evidence you wanted, in the shape of leading questions—and endeavouring, to extract from the honest clerks admissions foreign to their meaning, by worrying and intimidating them. Our clerks, our books and documents, *were all in your hands*: but all would not do. Your own examinations of your own witnesses, proved the falsehood of the attempted case. But *though defeated, you would not be stopped*, you gave the false *hearsays* and *suspicions* to the world as *accredited evidence*, and *reported on the case as one of undoubted fraud and collusion*, and one on which a prosecution of the County Fire Office was to be instituted. Your report was the first information we could obtain of the accusation, or of the evidence *which had been worked against us for upwards of a year, the name of the accuser remaining concealed to this day*. The moment we saw what the accusation was, we set to work to prove its falsehood, we caused a full investigation to be made by competent persons, and *we caused an indictment for perjury to be prepared against your principal witness*, the trial of which would prove how basely we were maligned; *but this legal redress you prevented, by extending your own mantle of impunity over your false witness*. On presenting our Petition to the House of Commons,* you had an opportunity of making some show of compunction—some offer of reparation; but you embraced that opportunity to do us further injury by your assertions. You had the hardihood to restate the fiction about two numbers, so laboriously worked up in your report *to give an appearance of collusion with the CHAIRMAN OF THE BOARD OF STAMPS*; and upon this you boldly asserted, that “*that fact was so strong, that, if submitted to a jury, it would inevitably bring down a verdict of guilty!*” The gross and wicked misrepresentation of that pretended fact, however, has been so *unanswerably exposed by Mr. Sedgwick*, in his *Fourteenth letter to you*, that my chief wonder is, how you can show your face in society after such an exposure. But your temerity carried you farther: you said this—for I took down

* See Hansard's Parliamentary Debates, April 11, 1827.

your words—‘ I venture to say, that *every one of the items in this £756 is a fraud.*’ To this you added, ‘ and this is but a part—we have discovered much more since.’ Now—you had evidence before you to prove THAT IT COULD NOT BE TRUE. There had not been one shilling of fraud on the Stamp Office; no, nor even one shilling of duty left unpaid. It is now proved that the trifling errors in the duty account, made by the two bad clerks whom we dismissed, were in FAVOUR OF THE STAMP OFFICE.

“ It is needless for me to describe your acts in further detail; for if you are constituted like other men, you will never be able to shake them from your mind. I will not be so severe on your understanding, as to suppose that you believed a word of the imputations which you published. I will not dispute that in what you did, you bore no ill-will to the County Fire Office nor to me: neither I, nor any one, can doubt your object, who has attended to your performances. Indeed, your report discloses it, when you say, that—“ If a fraud were committed, and the Chairman of Stamps, Mr. Sedgwick, connived at it, that would have made a case, in which there could have been no choice how Government must have acted:”—and you then proceed, with the delusiveness of a Jesuit, and the artifice of a Special Pleader, to show that such fraud and connivance existed. But can you suppose that I and my colleagues will sit tamely down with the insults and injuries you have heaped on us, although only done to enable you to wreak your vengeance on Mr. SEDGWICK?

“ Sir, I know that however atrocious your acts may be, I can have no legal redress, nor the alternative which a person in the rank of society of a gentleman is entitled to claim from another in the same rank who has basely calumniated him. This alternative, to which I should naturally have long since resorted, had your acts not been surrounded by the halo of privilege, I will not for obvious reasons name; but I think there is no breach of privilege in my at length demanding of you either to justify your acts, or to give me the best reparation in your power.

“ I am, Sir, in the usual phrase,
your obedient servant,
“ T. B. BEAUMONT.”

It was for this letter that the *ex-officio* information was filed.

During the whole trial the Prosecutor sat at the elbow of the Judge (LORD TENTERDEN), with whom he was seen whispering at intervals, as the case proceeded;—a most unseemly sight in a British Court of Justice, and alike disgraceful to both parties.

The trial occupied the Court from ten o'clock in the morning till ten at night. His Lordship's summing up was just such as his friend and *assessor* could have wished—*directive* as it was, however, it had well-nigh failed of its aim. It was not till after *four* hours deliberation that the Jury brought in a *special* verdict—"Guilty—but it appears to the Jury that the letter was written *under great circumstances of irritation.*" The Clerk at first objected to receive this verdict, and said they must find the Defendant either guilty or not guilty. Upon which the Foreman, with some warmth, said emphatically, "*That is our Verdict.*"

The Defendant's Counsel were Sir T. DENMAN, now Lord Chief Justice, and Sir FREDERICK POLLOCK, the present Lord Chief Baron. More with a view of giving further publicity to his case, than with any other expectation, the following affidavit, in mitigation, was put in, when the Defendant was called up for judgment:—

" IN THE KING'S BENCH, *Easter Term, 1828.*

" *John Thomas Barber Beaumont.*—The above-named Defendant maketh oath, and saith—That the County Fire Office was second to no similar establishment in the United Kingdom in honourable character and in prosperity; when a report was put in active circulation, that it had been detected in frauds on the Revenue to an enormous amount, and that an Exchequer prosecution was intended against the Office. This report defendant traced to Mr. Godfrey Sykes, Solicitor of Stamps, and he accordingly wrote to Mr. Sykes, under date June 7, 1825, complaining of his conduct, and warning him of a conspiracy by certain disreputable persons, to defame the County Fire Office, of the existence of which conspiracy he had evidence in his hands: *but of this letter no notice was taken.* That summonses under the hands and seals of Mr. (now Lord) Wallace, and of two other Commissioners of Revenue Inquiry, were issued for the Clerks in the County Fire Office to appear before them immediately, with the books and papers of the office.

" To this Inquisition the Defendant and the other Directors of the County Fire Office might properly have demurred, as the law placed the controul of the Duty Accounts of the Fire Office expressly in the hands of the *Commissioner of Stamps;*

but Defendant was so eager to submit the affairs of the Office to any investigation that might be proposed, that he immediately dispatched the Clerks and *four coach loads* of books and papers to the said Commissioners for examination.

" That during this proceeding he wrote to the said Commissioners, pressing his earnest desire that the subject of accusation might be thoroughly probed, and that he himself might be examined. That he was so examined, and that the Commissioners appeared *to be perfectly satisfied with the result*, and told him he might have the books returned whenever he pleased, as they had no further occasion for them.

" Defendant saith, that, nevertheless, the project of raising a prosecution against the County Fire Office was not abandoned; and he, therefore, in conjunction with the other Directors, lost no time in claiming *the protection of the laws*; but this claim was made in vain. Defendant was advised that Mr. Sykes could not be indicted with effect; and that Mr. (now Lord) Wallace was deemed *to be privileged by his office*. The false evidence, however, of the discarded clerk, John Hubbard, brought forward as the informer, was found to come under the legal provisions against perjury, and an indictment for perjury was framed against him; when to his astonishment he found that, although *himself* and the Clerks employed in the County Fire Office had been *strictly examined upon oath*, the *evidence of the informer* had been taken *without that sanction and responsibility*, and that he was thus precluded from the means of vindication, which the trial of that individual for perjury would have afforded. That, shut out from legal redress, Defendant turned to the Legislature for relief, and, with 1596 other Members of the County Fire Office, petitioned the House of Commons. That here he was again stopped, Mr. Wallace having assured the Members who were to present and support the Petition, 'that a prosecution of the County Fire Office was then in progress, and that to act on the Petition would be to interfere with the course of a pending legal proceeding.' That, in consequence of this representation, no active measures were taken on the Petition, and Defendant was deprived of that means of vindication also; but the *representation was false, for no prosecution was in progress, or had been commenced*. Seeing that during two years' continued anxiety and exertions, he had exhausted every means of expostulation in vain—that every avenue to legal redress was closed against him—that the Appeal to Parliament for relief was rendered ineffectual—that the final applications to the executive Government were fruitless—and that every effort to obtain justice by legal or official means, only brought upon him additional injuries, Defendant, under highly excited feelings, wrote the *private letter* to Mr. Wallace which is the

subject of complaint; but in asking Mr. Wallace to justify his acts, or to give him the best reparation in his power, Defendant did not think that he asked for more than was just and reasonable, or than Mr. Wallace was morally bound to grant; namely, that if Mr. Wallace could not justify what he had published against Defendant, he would either acknowledge his error, or give up his false witness to the hands of justice, that Defendant's character might be thereby vindicated; nor did he think that what he wrote would incite Mr. Wallace to a breach of the peace, but Defendant hoped it might incite him to do an act of justice.

"Defendant further saith, that a Bill which was filed in the Exchequer, required Defendant to answer minute and elaborate questions upon the origin, history, and termination of 1170 policies, in preparing the answers to which, Defendant and two of his clerks were laboriously employed during the principal part of the late winter. That *the answers have been delivered upon oath, and prove, that during the eighteen years' transactions brought in question, not a single policy, or renewal of a policy, had been issued, and nearly a million had been issued, whereon the Duty charged had not been duly accounted for and paid to the Stamp Office*; that the County Fire Office (which had paid in *amount of duty nearly half a million sterling*) had never been a shilling in arrear; but, on the contrary, had been constantly about £10,000. more in advance than they need have been, had they availed themselves of the deferred, but illegal, mode of payment of Duty adopted with impunity by the other Fire Offices, by which prompt mode of payment the County Fire Office had given *an advantage of £8000. to the Revenue in the value of interest*; and that certain errors made by the two clerks, who had been dismissed for their misconduct, were to the prejudice of the County Fire Office, and *in favour of the Stamp Office*; and lastly, *that after a careful examination of those errors, a BALANCE of £164. 9s. 2d. OVERPAID remained due from the Stamp Office to the County Fire Office*, which sum the County Fire Office now claims from the Stamp Office under a process in the Exchequer."

It was not for nothing that LORD WALLACE sat on the Bench with the Judge. LORD TENTERDEN fined the Defendant in the enormous sum of FIVE HUNDRED POUNDS!!! The worst page in the history of judicial tyranny is not worse than this. But the whole proceedings are in keeping from the first to the last.

In the mind of any honourable man, the letter written by

Mr. BEAUMONT to the Chairman of your Parliamentary Commission, would have had the effect it was intended to have. It would have awakened him to sober reflection; but he had no sense of moral rectitude, upon which sober reflection could be brought to act. The home truths which it contained did but sharpen his hostility, instead of soothing it. They were truths which his conscience could not deny, and his cowardice dared not resent. Therefore it was that he availed himself of that engine of tyranny, an *ex-officio* information, which the law places at the command of public oppressors—that privileged class for whose peculiar service it was designed.

Taking the whole circumstances into view, a case more singular or more striking than this prosecution was never presented to the public. We have here a Board of Revenue Inquiry, constituted by authority of Parliament, persecuting a great public establishment in a manner that outraged all the principles of justice—denouncing it before the public on charges of a nature to withdraw all public confidence from it, and thus, if possible, to effect its entire ruin. And who was the Informer, on whose authority these charges were received? The Informer, a discharged Clerk of the Establishment, stipulates beforehand *that he should not be sworn to the truth of his statement*—and those Parliamentary Commissioners, rather than fail in their plot, consent to receive his accusations *without oath*, so that he may have nothing to fear from false-swearers. By this atrocious act, for which they ought to have been, every one of them, made amenable to a Court of Justice, they furnish themselves with materials for basely aspersing the character of Mr. BEAUMONT, the Managing Director of the Establishment, against which their fabricated charges were directed, and of publishing them in their Report to Parliament, as being the result of careful inquiry, and substantiated by unexceptionable evidence. Who, with an atom of manhood in his character, could be expected to endure all this in silence? And yet when Mr. BEAUMONT, with all this aggravation thus heaped up, addressed the above

letter to the Chairman of that Parliamentary Commission at whose hands he had, for the space of two years, been bearing all this provocation, he is answered by an *ex-officio* indictment for an attempt to excite him to a breach of the peace! For this aggressor, who had been acting, as he had done, toward the writer in a manner to stir every drop of English blood within him, and to have made any breach of the peace, on *his* part, pardonable—for *this man* to turn prosecutor, and to call upon the law to avenge his cause against the individual whom he had thus loaded with insult and ignominy!—the effrontery of the proceeding is unparalleled.

It is derogatory from the honour of Parliament that *his* Commission of Inquiry, of which you were a Member, should have left such an act upon record. Its influence, in the way of example, cannot be too seriously, nor too strongly, dwelt upon.

JAMES SEDGWICK.

LETTER X.

TO THE RIGHT HON. THE EARL OF RIPON.

My Lord,—There is a *constitutional* confidence placed by the nation in every one administering the duties of government, which he cannot violate, even towards an individual, without injury to every subject of the state. If a judge, in any instance, whether from personal or from party feeling, were to pronounce sentence of condemnation without permitting the accused to be heard, either personally or by counsel, in his defence, the whole body of the people would instantly take alarm ; and with good reason, for the precedent of to-day may become the practice of to-morrow, and no one could say but that in the train of events he might himself be the next victim of judicial hostility.

As regards the dissolution of the Board of Stamps, the breach of this constitutional trust was attended by circumstances of such peculiar aggravation, and with such concert on the part of persons executing different departments, as the most perfidious use of power in this country has never exceeded. It is not without much reluctance that I address your Lordship as one from whom I have suffered wrong, it being, in my opinion, far from your natural disposition to inflict it.

I know enough of public men to know that they often deem themselves under the political necessity of following up a line of conduct which, in their inward conscience, they do not approve. This, though neither an honest nor a manly course, is so common, as to have become identified with official station. Without professing any overstrained reverence for names and titles, I am as little disposed as any man can be, to treat their possessors with intentional disrespect. I hold the so doing to be the mark of a weak and worthless mind.

But my homage has its limits, as all reasonable homage must have. I do not write to flatter; I write only to be understood. The foul persecution which I have undergone is not to be softened down, and its enormity shadowed over, by any respectful and dutious tone used in exposing it.

The particulars of the dissolution of the Board of Stamps will be found in my first letter. It will there appear, that the Lords of the Treasury, under the pretext of "*postponing my case for future consideration,*" stripped me forthwith, and without an hour's warning, of an income of £1500. year together with the official residence which I had occupied as Chairman of the Board—and this without any reason being given, or any cause assigned. To me, however, its origin and its author was no secret, as in the same letter I have shewn. That some act of vindictiveness was meditated, I had long been aware; but that it would be an act so outrageous as this, I had never contemplated, for I did not imagine it possible. If such acts were permitted with impunity in private life, society could not be held together.

On the coming in of that Administration, in which your Lordship was First Lord of the Treasury, and Mr. HERRIES Chancellor of the Treasury, I did not fail to renew my application—which had hitherto been ineffectual—that some decision might be come to on the long "*postponed consideration*" of my case. I had several interviews with your Lordship, in all of which I had every reason to be satisfied with your courtesy, and with the willingness you expressed to bring it to a conclusion; but you at the same time informed me, very candidly, that there was a difficulty in the way of so doing, which must previously be removed, which was, that in the letters which, through the medium of the *Morning Chronicle*, I had addressed to Mr. Wallace (afterwards Lord Wallace), the Chairman of the Board of Revenue Inquiry, I had arraigned the proceedings of the members composing that Board, in a manner that made it impossible to making any provision for *me*, without appearing to countenance all the imputations I had cast upon *them*; that, therefore, until these

were retracted, nothing could be done. I saw instantly that this pre-requisite threw the chance of my obtaining justice to an indefinite distance.

On the intervention of a mutual friend I addressed a letter to your Lordship, which he delivered personally, in which I expressed my readiness to withdraw any imputation upon Mr. Wallace, which was not warranted by the fabricated charges against me contained in the Report.

It is not here necessary to transcribe that letter at full length, but I transcribe the following extract from it, not only as bespeaking its general tenor, but on account of its being returned to me with the stipulation *added to it*, with which it is made to close.

"—— I am sure your Lordship will admit, that a charge which could not fail to brand my name with ignominy, was not to be repelled in the same cool, measured, reflective language, which one would use in combating an error in argument or neutralizing a statement of fact. It was a case of life or death as regarded *my* reputation in the world—and, at such a crisis, it is in human nature that all the warmth of a man's temperament, if it has any warmth at all, should display itself in those feelings which such an accusation was calculated to excite. I trust, therefore, that any offence it may have given to the government will be pardoned :—"upon *my positive engagement not to publish anything further, either upon the Report of the Commissioners, or on any other subject in which I may have had any concern with the Government.*"

It was expected that this letter would have been re-written and forwarded with *the above addition*, but this expectation I of course declined to comply with. To require me to enter into such an engagement as this was to leave the Government self-condemned. Why was I enjoined perpetual silence for the future as to the Report of the Commissioners, but that I might give no further publicity to the facts I had disclosed ? What could the Government have to fear from what I might hereafter write, if the dismemberment of the Stamp Board was defensible either as a measure of expediency as regarded

the revenue, or of utility as respected the public service? If the motives which led to it were justifiable, the fact was easily shewn, and any aspersion which I might cast upon it would be scattered to the winds.

On the following Session, the gentleman whose mediation I have already adverted to, anxious still to effect some satisfactory adjustment, had a conference on the subject with the Chancellor of the Exchequer (Mr. Herries), the result of which was his drawing out the draft of a letter—it is at this moment lying before me—which, if adopted by me, and addressed privately to him (Mr. ——), might effect the desired purpose. No allusion was made to the Report of the Commissioners: it simply required that I should disavow all intention of given offence to the Government, which, having carefully avoided doing in any one of my letters to Mr. Wallace, I could most readily have complied with, but unhappily the following paragraph was introduced into it—
"It is not my intention to write again, and I am ready to pledge myself to you not to do so." * * * I was by no means offended by the supposition that I might submit to write thus. I knew that it was dictated in the kindest and most conciliatory spirit on the part of the individual by whom the letter was penned. But it was a pledge which no depth of oppression on the part of the Government—and I was suffering at the moment all it could inflict—could have wrung from me as the price of obtaining justice. I need not add that this second mediation, like the former, came to nothing.

After a short interval had elapsed a letter was addressed by an influential Member of Parliament to the Chancellor of the Exchequer (Mr. Herries), stating the great and manifest wrong with which I had been treated; that I had been deprived both of office and of income on groundless charges, the truth of which, instead of *first* being investigated, were “postponed for future consideration;” and that *two years* had elapsed without any notice having been taken of them; adding, that all the particulars of the case were within his

(Mr. Herries's) knowledge, as one of the late Secretaries of the Treasury; and urging that some decision might be come to *while he was in power*, which might, at least, put me on the same footing with my colleagues.

A note was received in answer, from which the following is an extract:—

“ Great George-street, March 17, 1828.

— “ I can assure you that, from the beginning of poor SEDGWICK's affair, I was only the *instrument of executing his doom*, in my official capacity, and *not the author of it*. LORD LIVERPOOL took that case into his own hands, and decided with LORD GODERICH upon every part of it. When it was lately investigated, I took no part whatever in the business. FRANKLAND LEWIS and Mr. M. FITZGERALD made a report to LORD GODERICH upon it, which I never saw.

“ If there is anything you wish me to do, let me know it.

“ Your's truly,

“ J. C. HERRIES.”

This note was forwarded to me without any injunction of secrecy; and I was certainly not a little surprised at the information it conveyed.

I would fain ask, my Lord, under what authority you and Lord Liverpool erected yourselves into a tribunal to decide upon charges contained in a Report to Parliament? Under what law or practice known to the Constitution was this exercise of authority warranted? Both your Lordships well knew that the Report itself *had never been laid before Parliament* by the Commissioners, as the act expressly required! This makes the usurped jurisdiction still more indefensible; it exhibits two individuals proceeding to judgment upon an accusation contained in a Report to Parliament, which *even Parliament itself had never seen!!*

Another mysterious feature in the affair is, that having, in conjunction with Lord Liverpool, “ taken the case into your own hands, and decided upon every part of it,” no communication was ever made to Parliament or to the public of the result, and that I myself, *whose case it was*, never heard even a whisper as to this decision, nor ever knew, till the above note came into my hands, that it had been under discussion!

Another important question arises. How could it happen that your Lordship, having gone through the case, and "*decided upon every part of it*," it should be after *this referred to Frankland Lewis and Mr. M. Fitzgerald?* I had never been summoned—as of right, and in law, I ought to have been—either before your Lordship or the Referees who had laid their Report before you. And yet all this time my income remained withdrawn! The proceeding, as is elsewhere remarked, presents an anomaly in the annals of distributive justice never before heard of—a *VERDICT before trial, and a REFERENCE after execution.*

Mr. FRANKLAND LEWIS had been himself one of the Commissioners of Inquiry by whom the groundless accusations against me had been made, and Mr. MAURICE FITZGERALD was a Lord of the Treasury. Surely, my Lord, these were not exactly the persons to be chosen as referees! But whatever might have been the conclusion they arrived at in the Report presented to your Lordship, it was not suffered to transpire. No publicity was given to it. Why it was not it is vain to inquire. I am content with the inference to be drawn from it, that with all their labour, they could not make out even the shadow of a case. But this was a truth not to be avowed, and but for the accidental disclosure, through Mr. Herries's note, nothing of what is here related would have been known. The whole case has features in it which stand out with a marked and peculiar distinctness.

I abstain from all comment on the part which your Lordship has taken in it. The further development which I am about to make is of still deeper interest, and will bring out those peculiar features in still bolder relief.

JAMES SEDGWICK.

LETTER XI.

TO THE RIGHT HON. HENRY GOULBURN.

SIR,—It was said by Archdeacon PALEY that “he could not afford to keep a conscience.” The expression, though somewhat bold for a Churchman and a moral philosopher, was, at least, an honest one, and ought not in these times of “organised hypocrisy,” to be hastily condemned. All great questions of public duty must be settled in a computation of profit and loss. It is at this peril that any man on official station discusses them on any other ground. Fidelity to the public is an exploded principle. Allegiance to the powers that be is all in all. He must hunt with the wolves or be devoured by them. There is no choice. Had I been a willing instrument in unworthy hands all had been well. The Board of Stamps would never have been dissolved, and I should have remained at the head of it to this day.

If persons specially commissioned by Parliament to institute an inquiry on any subject, be it what it may, deliberately arraign any individual on any charge of official delinquency, they are bound to establish it by the clearest and most satisfactory evidence; and the Lords of her Majesty's Treasury, if put in the place of Parliament, are bound to see that it is so established, before they proceed to act upon it.

The first step of their duty is to collate the charge with the evidence brought in support of it. This done, they are next called upon to hear the party against whom the charge is preferred; this is indispensable, as without it the whole proceeding becomes illegal and void. It becomes so, not in reason and justice only, but by the common law of England, by which Parliament and the Treasury are alike bound; and yet not only was no opportunity afforded me by the Treasury of being heard, but every application I made was rejected. And why

Because I had already, in my public letters to Lord Wallace, shewn the Report to be a tissue of scandalous fabrications, and had demonstrated beyond denial, the utter falsehood of every charge it contained. If my claim to be heard had been acceded to, the truth of the facts stated, and of the charges preferred, must have been investigated ; but had this been done, their confutation would have been so complete, that *all pretext for dissolving the Board would have been taken away.* Judgment must then have been pronounced according to the evidence, and the long-planned scheme for my removal from office would have been effectually and at once frustrated. There was only one course by which this could be avoided, and that course was adopted. A Treasury warrant was issued, by which the commission of every member of the Board was revoked, without any one of them being told why or wherefore, and a compensation allowed them for their "*deprivation of office ;*" but I was made *an exception.* From me, official residence, income, everything was taken, and having inflicted this most severe of all punishment—the most severe they could inflict—my Lords "*postpone*" the truth of the accusations and the validity of the evidence, "*for future consideration.*"

This monstrous violation of every rule of law and every principle of justice, would never have been ventured upon, but that the proceedings were secret, and the party defenceless.

I will here remark, before I proceed further, the singular and striking contrast between the course pursued with the Report of the *Stamp Office* Commission of Revenue Inquiry, of which Mr. WALLACE was Chairman, and the recent Report of the *Custom House* Commission of Revenue Inquiry, of which LORD GRANVILLE SOMERSET was the Chairman.

The instant the *former* Report was published, and while it was yet wet from the King's printers, the criminating accusations against me personally, as connected with the fraud charged against the Directors of the County Fire Office—and which charge, as I have already shewn, was itself one of the basest fabrications that vindictive invention ever put

upon record—was extracted, and inserted to the extent of several columns, in all the leading London newspapers, which extracts, to insure their insertion, *were paid for*, and at a heavy cost. I aver this fact because I can verify it. It was the rapid and extensive circulation of all this personal slander that drew from me the letters which I addressed to Mr. Wallace, and to which no attempt at a reply was ever made. A strong judgment may be formed as to any man's guilt or innocence from the tone of his defence, and the language, whether conciliatory or otherwise, which he holds to his accuser. I offer the following extract from the *first* of the fourteen letters addressed in the *Morning Chronicle* to Mr. Wallace, as evidence on this point:—

"I will set out, not merely with admitting, but insisting that every man who, clothed with the requisite authority, exerts himself faithfully and fearlessly in putting down abuses, and who sets the seal of his reprobation upon those by whom such abuses are upheld, deserves well of his country, and entitles himself to the respect and applause of every honest man. If, Sir, after the facts which I shall have adduced, you shall be found to deserve this honourable sanction as your reward, God forbid that I should attempt to withdraw one iota from your claim; and if, on *my* part, I shall justify my own humble pretensions, I trust, that in justice, I shall be allowed to put in for my share of the same honourable recompence. After the reflections and insinuations against me, direct and indirect, with which you preface your Report, and which you have given to the public as the condensed result of your *inquiries*, I hope I shall be forgiven if I advert a little to *my own* merits. I am the last man who would willingly be the herald of his own deserving; it is what I never should have done from choice, but you have forced it upon me as a duty. I have ever felt reluctant in bringing my name before the public. I have no ambition that way. I have always hitherto contented myself with the conscientious and straightforward discharge of my public duty, without seeking to proclaim either the labour of my exertions, or the result of them. It may seem extraordinary that I should hold this language of self-approval to *You*—and this, Sir, in the very face of a REPORT emanating from yourself, *extracts* from which are circulating, through every public journal, to the uttermost corners of the kingdom—but I shall not come into court without my vouchers, and I pledge myself to verify them, or to be content that they shall go for nothing. I

affirm, then, that the whole of my official life, both as Chairman of the Board of Excise in Scotland, and, since then, as Chairman of the Board of Stamps in England, has been more or less employed, first, in striving to put down abuses, and next, to bear up against the machinations which, to this day, have baffled all efforts to remove them."

In rescuing my character from the imputations the Report so publicly cast upon it, I had to encounter such acts of obloquy and harassment, as no former occasion had ever seen brought into one point of action.

How perfectly the reverse of all this was the proceeding as to the Revenue Report on the Custom House *frauds*. The *ultra* tenderness for individual character is of a kind never before exhibited. Charges deeply involving the whole Board, and which in justice to themselves they ought openly to have repelled, are most carefully concealed from public animadversion. When Mr. Duncombe moved that the evidence taken before the Commissioners of Revenue Inquiry be printed, you consented, on the understanding that the evidence should be printed *for the use of members alone*.

Mr. HUME said, "He had noticed that the Report was published, as the cover signified, *only for the use of members*. He should be glad to know what that meant; it seemed to him to be introducing a very novel practice, and to be creating a *very improper distinction*."

SIR JAMES GRAHAM in reply said, "He believed it was the general opinion, that where evidence, or a Report, presented to that House, contained libellous statements *relating to any individual*, and calculated to injure them *privately or publicly*, it was a *safer and surer course* to confine the publication to 'members only.' It was *on this principle* that the evidence in the present case was published with such a limitation."

MR. DUNCOMBE asked, "If a newspaper published any part of it, would such paper be liable to an action? or if he (Mr. Duncombe) published any part of it should he also be liable to prosecution?"

Sir J. GRAHAM—Certainly.

Lord STANLEY observed, in reply to Mr. Duncombe, that—“the practice of publishing ‘for the use of members only,’ arose out of the *grievous hardship and injustice which was done to individuals* by the publication of statements, which in certain cases *reflected upon their character.*”—(*Times, July 25, 1844.*)

How came it that no such watchfulness over private reputation was manifested when Mr. Wallace’s Report to Parliament made its appearance? All this in the spirit of a most praiseworthy precaution I have to lament, was not applied in my case. I should then have been shielded from obloquy, instead of being sacrificed to it. As to this sudden zeal for private reputation, it assumes the dignity of a principle without deserving it. It was born for the occasion, and will expire with it.

JAMES SEDGWICK.

LETTER XII.

TO THE RIGHT HON. HENRY GOULBOURN.

SIR,—The real strength and true greatness of a nation consists in the superior excellence of its constitution, and the security which it affords that every individual, even the humblest, will be protected from oppression on the part of those in authority. This is a truth which men in exalted stations are among the most forward to admit, but are the most backward to act upon. Their hearty approval of a popular sentiment, costs nothing ; but to take it as the guiding principle of their public conduct—here it is they fail. An inherent love of justice is a rare attribute, and to be found only in minds of the finest mould. The want of this inward sense of rectitude in public men, is among the worst and most deplorable feature of the times we live in. Instances of it there have been, which have shed honour on the British name and nation, but they are fading fast out of memory, from the dearth of examples by which they might be recalled.

In taking up my pen to address you, this train of thought naturally minglest itself with the preface ; having said thus much, I proceed to my immediate subject. I naturally expected, that my claim, which had been “postponed” for “future consideration,” would, within a reasonable time, have been decided. *Two years* had now elapsed, without the slightest intention of ever taking up the subject being manifested. In the mean time my official income *remained withdrawn*, although the iniquitous imputations contained in the Parliamentary Report, had been disproved with a conclusiveness that was irresistible, and against which no adverse proof was offered. In the prominent and painful position in which I was placed, I had a right to demand that it should be put an end to. I continued, from time to time, to urge that my case might be decided upon, but in vain.

On no one occasion was either my official integrity, or the value of my public services questioned, but *the sole ground of refusal was, the Letters I had published, addressed to the Chairman of the Board of Revenue Inquiry, in which I had charged him with deviating from the principles of justice, in conducting his investigation, and thus perverting the trust reposed in him by Parliament; and it was required, as the terms upon which alone any compensation would be granted to me, that in a letter addressed to the Lords of His Majesty's Treasury, I should express my "sincere regret at having impugned the statements contained in the said Report, and should affirm the Commissioners to have acted from conscientious motives, and to have faithfully discharged their duty."*

It was impossible I could make any such admission, nor ought it to have been exacted from me. The Commissioners of Revenue Inquiry had, not only without the slightest evidence, but *against the strongest evidence*, charged me with the acts of official delinquency already detailed, and had, in so doing, furnished a pretext for crushing me under the heavy hand of a power, against which I had no means either of resistance or defence. I had cleared myself from all shadow of imputation, and yet they never withdrew their charge, nor ever stirred a step towards relieving me from the consequences of it. They had thrown upon me the necessity of defending myself, and then treated the completeness of my *acquittal*, as an impeachment of the justice of the *accusation!!* It was rather too much to expect I should affirm that the persons *thus acting had discharged their public duty*, and that I should bear testimony to *the purity of their motives.*

On the breaking-up of the Goderich administration, and the succession to office of the DUKE OF WELLINGTON, and of yourself as Chancellor of the Exchequer, I received the following communication in answer to a letter which I had addressed to the Lords of the Treasury, on the January preceding :—

" Treasury Chambers, 25th June, 1828.

" SIR,—With reference to your letter of the 9th January last, I am commanded by the Lords Commissioners of His Majesty's Treasury to acquaint you, that they *have had your case before them*, and that they *do not consider the circumstance of your removal from the Stamps, as precluding a compassionate consideration of your case*—but that the line of conduct which you have since your removal pursued, in arraigning the motives and conduct of the Commissioners of Revenue Inquiry and of the Government, render it impossible for their Lordships to entertain your application for an allowance, *unless it be accompanied by some retraction of the charges preferred against the Commissioners by some such expression of regret, for the course pursued by you, as may preclude the inference, that their Lordships in any degree countenance or acquiesce in those unfounded aspersions, which have been cast upon the conduct of the Commissioners or the Government, in consequence of their proceedings with respect to the late Board of Stamps.*

" I am, Sir,
" Your obedient Servant,
" GEO. R. DAWSON."

James Sedgwick, Esq.

As to a "compassionate consideration of my case," I must be forgiven, if now that the letter is before the public, I demur to this phrase as unwarranted. It places me in the light of a suppliant for mercy, which was not my position. My claim was not upon the compassion of their Lordships—but upon their justice.

I had here again the same *condition precedent* imposed upon me, with which I had been met on every former application. Their Lordships could not entertain it, until I had first retracted the charges I had preferred against the Commissioners of Revenue Inquiry.

Now any one would be led by this to suppose, that I had preferred certain specific charges against these Commissioners, which being false, and injurious to their public character, ought first to be withdrawn, before any claim to justice on my part could be listened to. Had the matter really stood thus, the disavowal demanded from me would have been well justified, and I should have had no one to blame but myself, if I persisted in refusing it. But not only does the matter

not stand thus, but exactly the reverse. This point is of vital importance, it is therefore essential that I should place it in its true light.

What their Lordships are pleased to designate as charges brought by *me* against the Parliamentary Commissioners, are actually no other than the facts, by which I demonstrated the utter groundlessness of the charges fabricated by *these Commissioners AGAINST ME!* It was to save *their* characters, that I was called upon to disavow the evidence by which I had cleared *my own*!

The following is a copy of the letter addressed to their Lordships, with reference to the renunciation required from me :—

“ June 27th, 1828.

“ My Lords,—I have the honor to receive your Lordships' letter of the 25th inst. and in answer thereto, I beg leave to state, that in repelling the heavy accusations which put my character, as a Servant of the Crown, in issue before the Public, my sole object was, to vindicate myself from the charge of corrupt malversation, as Chairman of the Stamp Board, which stood against me in the Fourteenth Report, and if any thing has fallen from my pen, in the course of that vindication, which may seem to have gone beyond this, I trust that it will not be interpreted by your Lordships, as arising from any deliberate failure of respect towards the authority from which that Report officially emanated. With regard to the having made any unbecoming reflection on the conduct of the Government, I can most truly aver, that I am not conscious of having so offended, and that could I intentionally have so done, I should have been without excuse, since the conduct of the *Government* has been always, towards me, the reverse of what could authorize any such reflection, I must therefore naturally feel desirous to remove from the mind of your Lordships, an imputation, which, however undesignedly, I regret to have incurred, and which, if I know myself at all, I shall never justly deserve. I have the honor to subscribe myself,—

“ My Lords,

“ Your Lordships' most faithful and obedient Servant,

“ J. SEGWICK.”

Two months more elapsed, and I still remained with my office and income taken from me, and the “ *postponed consideration*” of my case apparently as distant as ever.

At length an application was pressed at the Treasury, by several of my influential friends then in Parliament,* stating their intention, if something was not speedily done, of bringing the matter before the House. It was intimated to them in answer, that an arrangement was intended, and that the affair would in a few days be adjusted.

It was at this juncture that I received the following letter from the late Colonel MERRYICK SHAW, who had been one of my colleagues at the Stamp Board, but had left it on being appointed Private Secretary to the Marquess Wellesley, then Lord Lieutenant of Ireland.

“ Conduit Street, 8th August, 1828.

“ MY DEAR FRIEND,

“ I saw Lord Wallace yesterday, and spoke to him upon your case ; he told me he had seen Mr. Goulburn, and he assured me that he, Lord W., had no personal feeling adverse to your claim, and, as far as he was concerned, would be glad your retirement was settled : he said he thought it behoved the Government to take care in settling it, not to do it in such a manner as to cast any unjust reflection upon the Commissioners of Inquiry, who had only done their duty in reporting to the best of their judgment. He said, that if you had not made the attack contained in *your letters*, the matter would have been settled *long since*. The difficulty that has been felt in granting your retirement is, that you had rendered it scarcely possible to do anything for you, without being liable to the suspicion of its being extorted by intimidation. Government must be careful not to leave you, or those who have taken up your cause, room to impute to the fear of your realizing some exposure which was threatened in *your letters*, the grant of whatever retirement may be given you. He assured me, and I have great reason, *from other quarters*, to believe the fact, that Government is anxious to relieve you, and is only restrained by the danger of their motives being misunderstood and misrepresented by zealous, but perhaps indiscreet friends of your own, who might be inclined to boast of a triumph. The feeling towards you being good, it is worth while to consider how you may satisfy them of *your disposition* to receive your retirement, in the spirit in which it would be given, and that they run no risk of the imputation they apprehend. It is worth thinking of, and I hope you will view it calmly, and do what is necessary to satisfy them, and to terminate this unpleasant state of anxiety.

“ Yours truly,

“ M. SHAW.”

* Among these was Mr. John Smith, brother of Lord Carrington.

I shortly after this received a note, requesting me to call in Downing-street, which I did, when I was told by your private Secretary, Mr. Walpole, that my case was about to be considered, but that I *must previously* write a letter to the effect already required, as without that my application for a retired allowance could not be entertained.

The privation and harassment which I had been so long made to endure, made me naturally desirous to bring it if possible to a close; but to effect this on the terms proposed was no more possible now than it had been from the first. Notwithstanding the suggestions of Colonel Shaw, I still found, that be the result what it might, I could not, in reason or consistency, make any further approach towards the retraction demanded from me than I had already done. I accordingly drew up a letter similar in purport to those which had preceded it. I lamented, that in repelling the unfounded accusations on which I had been arraigned by the Commissioners of Revenue Inquiry, I had, in my letters publicly addressed to their Chairman, been held by their Lordships to have exceeded the limit which my vindication called for. That if any expression could be found which went *beyond that*, I was most willing to withdraw it, and thus to remove the ground of that displeasure to which I had inadvertently given occasion.

What followed this is of an aspect so extraordinary, that I must make it the subject of a separate letter.

JAMES SEDGWICK.

LETTER XIII.

TO THE RIGHT HON. HENRY GOULBURN.

SIR,—If in the letters which I publicly addressed to the Chairman of the Commissioners of Revenue Inquiry, I had *undeservedly* degraded those Commissioners in the public esteem, the Lords of the Treasury had abundant means of punishment at their command, and I should have felt how much I owed to their generous indulgence, in passing by so grave an offence on the easy condition of my retracting any injurious expressions I had used, or any disparaging imputations I had conveyed. But being the injured party, seeking redress from their Lordships against the oppression and obloquy with which I had myself been pursued by these Commissioners,—that overlooking all the odium cast upon *me* as of no account, I should be imperatively called upon to vindicate *them*—is a course of proceeding which reverses all the rules of protective justice, and which the administrative authorities of Parliament can neither justify nor defend.

In this conjuncture it was natural to hope that the letter to which I last referred would be regarded as sufficiently conciliatory, and that the Lords of the Treasury would—under all the circumstances—be satisfied with the sentiments I had expressed, and would award to me, equitably and without prejudice, that provision which my public services had earned, and to which I had both a legal and official claim.

While waiting the result of the expectation I had formed, I received by special messenger, an envelope, superscribed “H. GOULBURN,” containing two letters, of which the following are copies:—

" Downing-street, 12th August, 1828.

" MY DEAR SIR,

" I regret exceedingly that I am under the necessity of troubling you to write another letter. Your last does not appear sufficiently explicit; I have consequently, in a hurry, sketched out a few lines for your correction. You will perceive that my intention has been, *that you should not acknowledge any error in your public conduct*, at the same time that it is necessary for you to retract all that you may have published reflecting on the conduct and motives of others.

" I really think that if you can, more strongly than I have expressed, retract what has reflected on the Commissioners, *you will not be in the least committing yourself*, and will in a very few words set the question at rest.

" Believe, me, my dear Sir,

" Yours most faithfully,

" EDWARD WALPOLE."

The letter drawn up for me, and which I was to address to the Hon. J. Stewart, one of the then Secretaries of the Treasury, to be laid before their Lordships, *as coming from myself*, was as follows:—

" MY DEAR SIR,

" In again beseeching that you will have the kindness to urge the DUKE OF WELLINGTON and MR. GOULBURN to come to a speedy decision in my case, I beg leave to request that you will convey to them my regret, that suffering under the most poignant and irritated feelings, I was induced to publish sentiments criminating the conduct, and arraigning the motives of the Commissioners of Revenue Inquiry, and other members of his Majesty's Government, which sentiments, and any charges which I may have made against them, I most sincerely retract, and I am convinced that in the course which the Commissioners of Revenue Inquiry thought it advisable to adopt, they were influenced by no other motive than a conviction that they were performing a most arduous public duty, by the best means in their power.

" To the Hon. J. Stewart."

The above are documents to which, looking to the circumstances under which they were dictated, the history of the British Government supplies no parallel. The use intended to be made of the confession I was called upon to subscribe, did not escape me. In the event of my case being brought before Parliament, I was precluded by it from arraigning the conduct of the Commissioners of Inquiry as wrongful and oppressive, I having thus borne testimony to their faithful discharge of their duty, in a letter producible under my own signature, and written with my own hand. But being in a condition to prove that it was written not *by* me, but *from* me, and confiding in the explanation I was thus able to give, should the emergency call for it, I transcribed it without varying a letter, and forwarded it to their Lordships.

It is a remarkable fact, that I should be thus made to furnish the precedent of an anomaly never before exhibited in the annals of Parliamentary justice.

Instead of the utter groundless charges *against* me being withdrawn, I was made to retract *my refutation of them*. **THERE IS NO OTHER INSTANCE ON RECORD OF SUCH A REQUISITION.**

Seeing as I did, the purpose to which the letter thus exacted from me might be applied, I saw at the same time as clearly the value of the letter which accompanied it, bearing as it did *your superscription*, and addressed to me as it was, with this mark of *your adoption* upon the face of it. This document it was that decided the course I took; without it the other would never have been obtained from me. You had here put my acquittal upon the record. It now stood on your own admission that I **HAD BEEN GUILTY OF NO ERROR IN MY PUBLIC CONDUCT**; a stronger testimony could not be borne to my official integrity than you have here paid to it. You have done me no more than justice; but you have done it with a conscientiousness which I cannot too highly estimate.

But here a question arises to which I cannot too earnestly entreat an answer. How came it that I had been stripped of income and office, and so remained, at the very time you were

thus bearing your attestation to my character and acknowledging my public conduct to be free from all reproach?

I have another and a more personal question to ask. As Chancellor of the Exchequer, and *ex officio*, one of the influential Lords of the Treasury, on what principle of conscience or consistency did you grant me a retired allowance of only £400. per annum out of £1,800.* thus taking from me £1,400. a-year, when on your own deliberate acknowledgment, my conduct as an official servant of the public stood unimpeached?

Perhaps in your place in Parliament you will explain this. It is enough, in the meanwhile, that I give the fact to the world. I will now proceed to certain other facts which call for consideration.

If, as I am made to regret, I had been induced "to publish sentiments criminating the conduct, and arraigning the motives of the Commissioners of Inquiry;" there was a summary tribunal at hand to which I was amenable. Their Chairman, being a Member of Parliament: and acting under parliamentary authority, might have arraigned me for a *breach of privilege*, and made me answerable at the bar of the House.

Why was not this course pursued? It was not pursued, because no pretext for resorting to it could be raised, nor the shadow of a case made out on which it could have been supported.

In the ordinary affairs of life, or on any misunderstanding which official controversy may occasion, a statement made on undue authority may be withdrawn, or an expression personally offensive, used in the warmth of the moment, may be recalled. This happens every day both in public and in private life. But the substance of a defence deliberately penned, and occupying *fourteen* letters, addressed, all of them, to the individual whose misrepresentations they exposed, and whose charges they repelled—this was not of a nature to be *retracted*. I will evidence this by an example; I will take

* My salary was £1500. per annum, and my official residence was estimated at £300. the sum allowed to my successor in lieu of it.

the tenth letter—it being the first that opens itself in taking them from the shelf; it commences thus:—*

“SIR,—In clearing my official character from the aspersions which you have so publicly cast upon it, I do not mean to affirm, or even to imply, that you have been grossly deceived. Had you been imposed upon by false testimony, or had you illogically drawn your inferences from insufficient premises, although I might have disputed your competence as a Commissioner of Inquiry, I should have thrown no imputations upon your uprightness as a man. But you have no such apology to plead. No imposition has been practised either upon the slowness of your discernment, or the dullness of your understanding; on the contrary, the misrepresentations you have made are purely and exclusively your own. You have sought to establish false charges with infinitely more zeal than is usually shewn in the investigation of actual guilt. You have laboured to give a colour of reality to facts which have no existence—you have raised up accusations on evidence which you ought not to have received, while you have withheld evidence which, in justice, you ought to have produced.

“Wherefore is it that you give a most conspicuous place in your Report to your letter from Edinburgh, which charges unprecedented neglect and delay against the Commissioners of Stamps, while you suppressed the *Secretary's answer*, which removed all ground of complaint? What vindication will you offer for the deliberate destruction of evidence, which had for its object to confirm the wrongful impression which your Report had already raised against me? Had it not been for that developement of facts which your false accusations drew from me, I must have been ruined in the public estimation utterly, and without redress. What inducement—every one would have said, and naturally enough—what inducement had Mr. Wallace to attack the Chairman of the Board of Stamps? What desire can he have to arraign his conduct undeservedly? What object can he seek by his removal from office? Of what importance is it to him who fills the chair? He has only a public duty to perform, and what motive can he have to interfere with the fair discharge of it?—Such questions are natural and reasonable, because no one suspected that you could be leagued with that power in Scotland, which upheld the very abuses which I had so strenuously laboured to put down. It was not known to the public that I had unveiled a system of nefarious mismanagement in the Stamp Office in Edinburgh, and that by causing the suspension of the principal agent in

* I would refer to the letters themselves, instead of making an extract, but they have been long since out of print, and a copy of them is not to be procured.

that system, I had excited the bitter resentment of that party in Scotland through whose influence he was *reappointed to office*.—It was not known that certain persons, chosen afterwards by means of that influence, were sent down by Treasury Warrant to inquire into and report on the system which I had thus denounced, had drawn up a report *exactly at variance with mine*, and calculated not only to invalidate its authority, but to involve me in the disrepute which had thus been cast upon it.—It was not known that I dissected this adverse Report, and had made it wholly unavailable to its purpose, by proving, to demonstration, that no reliance whatever was to be placed upon it. Again, not one of the readers of those extracts, full of accusations, *from your Report*, which swelled the columns of every newspaper—not one of them was aware of the relentless enmity I had thus drawn upon myself, and the unsleeping vengeance which had ever since pursued me.

“ You entered on your investigations into the Stamp Office in Edinburgh, twelvemonths before you began your inquiry at the head office in Somerset House, but *to this day* your Report on the Stamp department in Scotland *has never been laid before Parliament*, though your Report on the office in London, was printed, published, presented, and their contents dispersed all over the kingdom!! To what are the public to ascribe this keeping back of a Report which ought, in the order of things, to have appeared at least twelvemonths ago? The non-appearance of it is the more important because the system to which it related *was one entire mass of abuse*, and required that not an hour should be lost in rescuing the Revenue from the heavy losses it had so long borne, and which called urgently, and with imploring voice, for remedy!*

Now, permit me, Sir, to ask how, and in what form, can a series of letters, embracing so wide a range of comment, be *retracted*? The great and only question is, whether was what I had affirmed true, or was it false? If on any one fact, or on any one point, it was *false*, the specific instance should have been pointed out, and I ought to have been called upon either to *verify* or *retract* it. But to insist upon my retracting statements essential to my exculpation, every one of which

* A motion in the House of Commons, calling for the production of this Report, *which, to this hour, has never been laid before Parliament*, would bring out some interesting and curious disclosures. Perhaps the Right Hon. FRANKLAND LEWIS can furnish some account of it.

was true to the very letter, and which the Commissioners themselves had in no one instance attempted either to disprove or deny—*this* is a stretch of power utterly indefensible: it takes away all reliance on the warranty of law and the protection of a common government. The present may possibly not be the first instance of it, but I hope it will be the last.

JAMES SEDGWICK.

LETTER XIV.

TO THE RIGHT HON. HENRY GOULBURN.

SIR,—Many have been led to ask why, having so strong a case, I have delayed for so long a period to bring it forward? I think the question is a reasonable one, and I am prepared to give a distinct and most satisfactory answer to it. Those only who have experienced it, are at all aware of the difference between dealing with a Government, and dealing with individuals in the ordinary intercourse of common life. If, from the latter, you are made to suffer wrong, either in person or in character, the courts of law are at hand, to which you may apply with the certainty of obtaining redress, but you have no such remedy for any treatment, however injurious, that you may have suffered at the hands of Government. The high official functionaries that have inflicted it are irresponsible. The courts can take no cognizance of your wrongs, however grievous. Your oppressors are out of their jurisdiction; they stand too high for the authority of the laws to reach them.

Thus situated, the time during which I have borne with the injustice, need excite no surprise. It is not that I have not often enough complained, but that I have complained without any chance of redress.

The Parliamentary Commissioners ought to have been held responsible for any criminating charges, which their Report might be found to contain. Instead of this—which the most common principle of justice would have dictated—you acted upon those charges as true even in the very face of the evidence, by which I had proved them to be false. Nay more; you do this with the knowledge that these charges had been received and reported on the testimony of a *perjured* witness; a witness who had *refused to be sworn*, and whose oath the

Commissioners had *deliberately dispensed with*, that they might not fail in the iniquitous purpose for which they sought to obtain it !

Session after session I went on suffering under the defamatory impressions which their Report had circulated against me, and entreating that the Lords of the Treasury would afford me the opportunity of giving them an unequivocal and direct refutation ; but session after session I was refused. Every application was answered by referring me to some letter of refusal of a former date, and I found myself no nearer at the end of eighteen years, than I had been at the end of eighteen months.

This statement will sufficiently explain my *apparently* patient endurance up to this time. It was the unavoidable result of my position. I was in the hands of power and could not help myself. I well knew that the effect of these re-iterated refusals would be to throw doubt on the reality of my case, because the presumption would be that if it were real, and I were prepared with the evidence needful to support it, the Government would long since have done me justice. But there is a fallacy here. Had this been a case of serious and oppressive infliction in private life, and had it been brought upon me by the unintentional agency of upright and honourable men, they would at once have proceeded to investigate the truth of the evidence on the faith of which they had acted. They would have felt that the case deserved a full and complete inquiry. They would have felt it due to *themselves*, to have instituted such an inquiry, and they would, without hesitation, have done so. If my appeal had been to persons of *this* character, and *thus* disposed, my having applied year after year without redress, might furnish just ground to believe that with all their willingness to hear me, I had failed to substantiate my claim ; and with this addition, that I might have carried it, in the first instance before an English Jury, in an English Court of Justice, and have obtained speedy and effectual justice.—But to *my case*, as I have already shewn, this reasoning has not a shadow of application.

To confirm what I have here said, I need only adduce my last memorial, the peremptory rejection of which followed in the train of all that had preceded it.

It was presented to you personally by the LORD CHIEF BARON,* whom I have the honour to number among my oldest and most intimate friends, and who, when presenting it, did not fail to urge it forcibly on your consideration.

Of this memorial the following is a copy :—

“*The Memorial of JAMES SEDGWICK, Esq., Barrister-at-Law,*

“*SHEWETH,*

“ That your Memorialist was removed from the Office of Chairman of the Board of Stamps, and deprived of all income, on the charge, by the Commissioners of Revenue Inquiry, of having connived with the Directors of the County Fire Office (of which he was one) in the concealment of frauds, alleged to have been practised by that Office upon the Revenue, to a large amount.

“ That, on the dissolution of the Stamp Board, which took place on the Report of the said Commissioners, the amount of retired allowance to which his colleagues were entitled, under the Act for regulating retired allowances, was granted them; but the claim of your Memorialist ‘to a similar provision was postponed for future consideration.’

“ That after the expiration of two years, during which your Memorialist remained deprived of all official income, a retired allowance was assigned to him, so greatly below the proportion which had been granted to his colleagues, that the disparity went, in its effect, to confirm the accusation against your Memorialist, and to hold him forth to the public as one to whom the guilt charged upon him strongly attached.

“ Your Memorialist trusts he shall not be considered as departing from the respect he bears towards your Lordships, if he submits that neither at that time, nor at any time since, has any opportunity been afforded him of proving the accusation to be false, which has thus been acted upon as true.

But your Memorialist does not now ask to be heard in his defence,—he asks no more from your Lordships than to be permitted to produce before you the evidence *already on record*, which demonstrates the charge to have been, from the first, incontestably disproved. This alone is the object of the present application.

“ Your Memorialist cannot refrain from urging the long period during which the charge has been suffered to remain against him, as greatly aggravating the peculiar hardship of his case, and as strengthening its claim upon your Lordships’ consideration, to which your Memorialist humbly submits it, confidently trusting that your Lordships will act upon it as the rights of the subject and the principles of natural justice may appear to your Lordships to require.

“ JAMES SEDGWICK.

“ To the Lords of Her Majesty’s Treasury.

“ Nov. 19, 1844.”

In reply to the above Memorial, I received the following answer:—

“ Treasury Chambers, Nov. 30, 1844.

“ SIR,—In reply to your Memorial, of the 19th instant, praying to be allowed to lay before the Board evidence to disprove the charge of misconduct as Chairman of the late Board of Stamps; I am commanded by the Lords Commissioners of Her Majesty’s Treasury to state to you, that they have only to refer you to the several replies which have at different times been given by this Board to the Memorials presented by you, and decline entering into any discussion of the questions connected with your case, which my Lords consider to have been finally disposed of in the year 1830.

“ I am, Sir,

“ Your obedient Servant,

“ G. CLERK.

“ James Sedgwick, Esq., Kensington.”

As the very different scale on which my retired allowance was awarded took place under your Administration,—and holding in my hands your deliberate acknowledgment that *I had been guilty of no error in my official conduct*, the above answer to my Memorial appears in every way inexplicable.

I am referred to the former Memorials presented by me, but from this I can gather nothing. Every successive Memorial has, from the first, been followed with the same reference. By the present answer, I am informed that my Lords “decline entering into any discussion of the questions connected with my case, which they consider to have been finally disposed of in the year 1830.” I have looked back to that year, but I find the rejection penned in the same words with all that preceded it. Permit me then, Sir, to ask *by what procedure* my case has been finally disposed of, either in that year or in any other?

Is a most false and defamatory charge, contained in a Parliamentary Report, to be considered as disposed of *by a refusal to hear the party accused*? Is it because you have persisted in rejecting all evidence, that therefore your decision is to be considered *final*? What would be thought of the Judges, in any one of Her Majesty’s Courts of Justice in England, if they should inflict an exorbitant and ruinous fine on a party falsely accused, and after inexorably refusing to hear his defence, should throw aside his applications for justice with no other answer than that they “had *finally* disposed of the case!”—It matters not whether it is a Court of Law, or a Board of Treasury that sits in judgment on the fortune or character of Her Majesty’s subject. A determined and inflexible resistance to the claims of justice can no more constitute *finality* under one jurisdiction than under the other.

Feeling assured, from the fate of this last Memorial, that all further application would be fruitless, I at once resolved to submit my case to Parliament, before which I feel that, as a British subject, I have a constitutional right to be heard.

With this view I drew up a tract, containing a brief state-

ment of those "PARTICULARS," which I have here unfolded in much fuller detail. The tract to which I advert was not printed for general circulation, which made the present Letters the more necessary. I advert to it here from having thought it expedient to forward a copy of it to the Duke of WELLINGTON, as having been First Lord of the Treasury, when you, as Chancellor of the Exchequer, obtained from me the exculpatory letters on behalf of the Commissioners of Revenue Inquiry. I enclosed it, accompanied by the following letter:

" Kensington, 2nd Dec. 1844.

" MY LORD DUKE,

" Nothing but an occasion so peculiar as the present could have induced me to address you; but I will do so as briefly as possible.

" The enclosed "PARTICULARS" were not, as your Grace will perceive, intended for publication. They were drawn up as a document that might enable me, under any event that might call for it, to remove any injurious impression that might have been produced upon the mind of any individual with whom it might be of importance to me that my character should stand clear of imputation.

" I do not desire that your Grace should go through the whole of the statement herewith sent. I am only desirous to draw your attention to the two letters in pages 26 and 27.

" I shall frankly explain my reason for doing this. It occurs to me as being possible, that the letter of penitent recantation, purporting to emanate voluntarily *from me* and addressed to the Lords of his Majesty's Treasury, in which I am made to appeal, not to their sense of justice, but to their feelings of compassion, might have been laid before your Grace, unaccompanied by the letter *to me* from Mr. GOULBURN'S Private Secretary, superscribed *by himself*, and on the terms of which your Grace was pleased to sign the warrant for the very disproportionate retired allowance which was granted to me.

" I feel assured that your Grace will not deem an apology necessary on my part for being induced, from the opinion

which I entertain, in common with the English public, of your honourable and straightforward conduct on all occasions, to doubt if that letter could at the time have been laid before your Grace, and have received your sanction and approval.

" The circumstance which influences my present application to your Grace is this.

" A Memorial addressed by me to the Lords of her Majesty's Treasury was, about ten days since, presented by the Lord Chief Baron to Mr. Goulburn, in which I made no request to be heard against the charge of fraudulent collusion with the Directors of the County Fire Office to defraud the Revenue, originating in the Report of the Commissioners of Revenue Inquiry ; but I asked merely *to be allowed to produce before the Board of Treasury the evidence already on record*, which demonstrates this most serious public charge against me to be not only utterly unfounded, but to have been from the first incontestably disproved.

" An answer was yesterday forwarded to me, in which all permission to lay such evidence before their Lordships is refused.

" This refusal has left me no resource but to get a Committee of Inquiry to be moved for early in the ensuing Session : and as it will be necessary for me to address the public in a series of letters, preparatory to that step, and with a view to it, in which I shall have occasion to dwell emphatically and with reiterated comment on the subject matter referred to, I feel that, before doing this, I ought to bring it previously under your Grace's attention.

" I have the honour to subscribe myself,

" Most respectfully,

" Your Grace's faithful and obedient servant,

" J. SEDGWICK."

" To his Grace the Duke of Wellington."

" P.S.—I inclose the within Note, selected from the confidential correspondence with which I was honoured by one whose memory will ever be dear to me, not as bearing testi-

mony to my character, which I trust it does not need, but as justifying the warmth and perseverance with which to the last I shall defend it."

(Private.)

" MY DEAR SIR,

" I have received a beautiful landscape, which I am persuaded must be a testimony of your kindness. I have placed it in a good light, and it is much admired, particularly the fore-ground. Pray accept my grateful acknowledgments of this favour.

" We are moving here regularly and slowly in the right track. I am well satisfied generally with the state of affairs—some exceptions exist, but they prove the rule. Whatever may be my fate, this country is saved. Yours, dear Sir, with great regard and esteem, most sincerely,

" WELLESLEY.

" J. Sedgwick, Esq."

If the testimony of names high in rank and literature, at all affected the merits of the question, my private correspondence would supply me with as much as I could desire; but it must be an urgency very different from the present that could force me upon such a resource. But a man's real character, however, goes far to involve his moral qualities. In his public reputation they are not easily separable. On this ground I shall, perhaps, be pardoned for producing one attestation, which I would request you to place side by side with the defamatory Report of the Commissioners of Revenue Inquiry, which you are so forward to defend, and have shewn yourself so determined to perpetuate.

—" Let me take this opportunity of recommending, as I ought, four pamphlets for which the well-wishers to genuine Christianity are indebted to Mr. SEDGWICK; his statement of facts, his arguments from reason and scripture, and his animated description of characters, do honour to the elegance of his taste, the vigour of his understanding, and the soundness of his moral and religious principles. They will preserve, I trust, many well-meaning and attentive readers from the sorceries, which might be practised upon their credulity and their piety."*—DR. PARR'S CHARACTER OF FOX, Vol. 2, p. 817.

* The pamphlets above adverted to were entitled " HINTS to the PUBLIC and the LEGISLATURE on the nature and effects of EVANGELICAL PREACHING." By a BARRISTER. I was not known as the author, till my name appeared in the above work. They were afterwards collected into a volume, but have long since been out of print.

I should not have given the above quotation to the public, but for the immediate occasion which appears to call for it.

I am not covetous of praise, but at no time could I be insensible to the value of such commendation as the above, from one distinguished by the public voice, not only as among the most learned, but among the most inflexibly upright men of the age. I avail myself of it as asserting my claim to the good opinion of the world. The privation I have been made to suffer, and the perseverance with which I have been traduced and oppressed, these *Letters* will shew. The Treasury have from the first refused to do me justice. I claim to be heard ; and from the first you have refused to hear me. But while there is a refuge from the injustice of the Treasury, I shall resort to it. I will keep my wrongs before the public till they are redressed, or I will die with my pen in my hand.

JAMES SEDGWICK.

17th May, 1845.



THE ACT
FOR
THE MORE EFFECTUAL APPLICATION
OF

Charitable Donations and Bequests

IN

IRELAND,

(7 & 8 VICTORIA, CAP. XCVII),

WITH

NOTES ON THE SEVERAL SECTIONS OF THAT STATUTE,

EXPLANATORY OF THE ALTERATION INTRODUCED BY IT
INTO THE LAW OF IRELAND,

AND

SOME NOTICE OF THE LAW OF ENGLAND AND SCOTLAND
RELATING TO THE SAME SUBJECT.

BY WILLIAM SHEE,

SERJEANT-AT-LAW.

" My humble and decided opinion is, that the three Religions, prevalent more or less in various parts of these Islands, ought all, in subordination to the legal Establishments, to be countenanced, protected, and cherished; and that in Ireland particularly, the Roman Catholic Religion, should be upheld in high respect and veneration; and should be in its place provided with all the means of making it a blessing to the people who profess it."—*Burke's Letter to William Smith, Esq.*

LONDON:
DOLMAN, NEW BOND STREET,
AND
CUMMING, ORMOND QUAY, DUBLIN.

1845.



LONDON:
PRINTED BY RAYNER AND HODGES,
109, Fetter Lane, Fleet Street.

ANNO SEPTIMO ET OCTAVO

VICTORIÆ REGINÆ,

CAP. XCVII.

An Act for the more effectual application of Charitable Donations and Bequests in Ireland. [9th August, 1844.]

WHEREAS it is expedient that the pious intentions of charitable persons should not be defeated by the concealment and misapplications of their donations and bequests to public and private charities in Ireland: And whereas the provisions of the act passed by the Parliament of Ireland in the third year of his late Majesty King George the Third, intituled *An Act for the Better Discovery 3 Geo. 3, (L) of Charitable Donations and Bequests*, and of the act passed by the Parliament of Ireland in the fortieth year of the reign of his said late Majesty King George the Third, intituled *An Act to amend an Act passed in the Third Year of His present Majesty 40 Geo. 3, (L) King George the Third, intituled 'An Act for the Better Discovery of Charitable Donations and Bequests,'* have been found insufficient for such purposes; and it is expedient and necessary that provision should be made for the better management of such charitable donations and bequests as have been heretofore made, and such as hereafter may be made: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, That from Recited acts and after the commencement of this Act the hereinbefore recited repealed, save as to any thing done at any time done before before the commencement of this Act, all which shall be and commence- remain good to all intents and purposes whatsoever as if this Act act. had not passed.

The first thing which attracts our attention in this Act of Parliament is, the want of any clear and honest enunciation of the object sought by the Bill.

When the enacting clauses of a statute are so worded as to render their construction doubtful, the intention of the Legislature may usually be discovered by reference to the preamble. In it, the mischiefs intended to be remedied, or the benefits proposed to be secured, are generally stated with sufficient certainty to apprise an unlearned reader of the objects contemplated by the framers of the Act. Any person reading this preamble would suppose that the policy of the State respecting the donations and bequests which it was intended to regulate, had always been the same as now, and that the pious intentions of charitable persons in Ireland, had been defeated either by the constructions of the Courts of Law, or by the supineness and negligence of Commissioners heretofore appointed to carry them into effect. Reading this recital in conjunction with the second section, who would imagine that the acts hereby repealed, because "insufficient for their purposes," were acts deliberately passed for the express object of crippling the resources of the Roman Catholic Church, by the discovery and confiscation of all donations and bequests for its support? Who would conjecture, that it was not until this purpose of confiscation had been defeated by the conscientious scruples of honourable men sitting as Judges in the Irish Courts of Equity,—not until time had given to those scruples as much of the weight of judicial authority as sufficed to encourage pious Catholics to attempt the re-endowment of their Church by munificent donations and bequests,—not until the recited acts had become clearly "ineffectual for the purpose" of perpetuating the poverty of the Church of Rome in Ireland, that any Minister of the Crown of England entertained a notion of their repeal? Yet such is the fact.

The former of these Acts, 3 Geo. 3, c. 1, was passed by the Irish Parliament in 1763, a period when all the inhabitants of Ireland were presumed, by the law, to be Protestants, the Catholics, and the Catholic Church, being in no respect recognised, except for reprobation and penalty. The propriety of

this mode of dealing with them being taken for granted, donations and bequests for Catholic charitable purposes, were supposed to have no existence,—the preamble reciting, that “ the pious intentions of many charitable persons were frequently defeated by the concealment or misapplication of their donations or bequests to public or private charities in this kingdom,” seems to indicate that the intention of the Irish Parliament was to prevent the embezzlement of charitable donations and bequests by the trustees appointed to administer them. For this purpose it was enacted, that “ all charitable donations contained in wills should be published three times successively in the *Dublin Gazette*, at the expense of the executor, within three months after obtaining probate of the will, under a penalty of 50*l.*, in case of his neglect ; and also, that extracts from such wills should be lodged by the proper officers in each diocese, annually with the clerks of both Houses of Parliament.”

Publicity being thus secured, the law, in virtue of this pious fiction, relieved the executors of Catholic donors from the trouble of effecting the intentions of their testators, and presuming them to have intended what they ought to have intended, *i. e.*, the reverse of what was in their wills expressed, confiscated such Catholic bequests as were ignorantly or incautiously made, to Protestant purposes. And that the object of the Act might not be lost by neglect or inattention, a committee, composed principally of Bishops, was appointed in 1764 by the Irish House of Lords, to see that its provisions were carried into effect.

Thus the law continued until the year 1800, when the Union with Great Britain was in progress. By this time, in consequence of the relaxation of the penal laws, the Catholics had obtained a great increase of wealth, and power, and influence. There was much need of a Committee of Bishops, to prevent or to check the re-endowment of the Church of Rome, and that the good effects of their past vigilance might not be wholly lost for the future, the Irish Parliament, in the

Charitable Donations and Bequests' Act,

last year of its existence, passed the 40 Geo. 3, c. 75 (repealed by the present Act), whereby, after reciting the appointment of the Committee of the Lords, that by the union of Great Britain and Ireland, such committee would be discontinued, and the pious intentions of many charitable persons thereby (as before the said committee was appointed), defeated by the concealment and misapplication of their donations or bequests to public and private charities in that kingdom, and that it was expedient and necessary, that some public body should be constituted and appointed to watch over such charities and bequests, *and to enforce the application of them to the purposes designed and intended* by the pious donors thereof, a Board of Commissioners, consisting of all the Archbishops and Bishops of Ireland, the Judge of the Prerogative Court, several clergymen incumbents of parishes in Dublin, together with the Chancellor and twelve Judges for the time being, was erected into a Corporation for that purpose.

By the second section, the jurisdiction of this board is ascertained, and it is enacted, "that the commissioners and their successors may sue in every Court in this kingdom, either of Law or Equity, for the recovery of every charitable donation or bequest, which may or shall be withheld, concealed, or misapplied, and apply the same, when recovered, according to the intentions of the donors; or in case it be inexpedient, unlawful, or impracticable, to apply the same strictly, according to the directions and intentions of the donors, then to apply the same to such charitable and pious purposes as they shall judge to be nearest and most conformable to the directions and intentions of the donors; with full costs, to be paid to the said Commissioners out of the charitable donations."

By the third section it is declared, that five Commissioners shall constitute a quorum, but that an Archbishop or Bishop shall always be one.

The operation of this Act of Parliament is described by Mr.

7 & 8 Vict. c. 97.

Scully, in his able work* on the Irish penal laws as follows:— Section 1.
“ Thus has the Irish Parliament, in the last year of its existence, solemnly organized a powerful inquisition, vigilant and eager in the pursuit of its prey, and armed with every necessary authority for discovering and seizing the funds destined, by dying Catholics, for the maintenance of the pious and the poor of their own communion.

“ For instance, a Catholic bequeaths certain small annuities for the decent support of the parish priest, the occasional repairs of the Catholic chapel, and the better education of the youth of the parish; and he confides the fulfilment of his pious intent to two solvent and upright executors, of his own choice and approbation. Upon his death, his executors are obliged, under penalty of 50*l.*, to publish those bequests, with every particular circumstance, three times successively in the *Dublin Gazette*, within three months after obtaining probate of the will. Thus or through some other channel, these bequests attract the notice of the Commissioners of Charitable Bequests or their Secretary.

“ They instantly file an information in the Court of Chancery, alleging that these bequests were given to unlawful and superstitious uses; that they are therefore vested in the King, who in his capacity as head of the Church, is entrusted by the common law to see that nothing is done in propagation of a false religion; that these bequests, though unlawful, cannot even revert to the representatives of the donor; for having manifested some charitable intent, but mistaken the legal mode of effecting it, he is to be considered as having given the bequest to general purposes of charity, of which the King is authorized to select the legal objects, that therefore, the King is to direct and to appoint the appropriation of these bequests *in eodem genere*, to Protestant charities, such as shall appear to be the nearest and most conformable to the charitable

* “ A Statement of the Penal Laws which aggrieve the Catholics of Ireland.”
—*Dublin*, 1812.

Charitable Donations and Bequests' Act,

intentions of the donor, or technically speaking, to execute those intentions *cy près.*"

The equitable doctrine of *cy près* is thus laid down by Sir William Grant.

" Whenever a testator is disposed to be charitable in his own way and upon his own principles, we are not content with disappointing his intention if disapproved by us, but are to make him charitable in our way and upon our principles. If once we discover in him any charitable intention, that intention is supposed to be so liberal as to take in objects not only not within his intention, but wholly adverse to it."*

" The doctrine of *cy près*," says Lord Eldon, " proceeds upon the principle that the testator's general intention of charity was the principal intention—that he meant at all events some charity, that his unlawful purpose was a mode of disappointing it, and the mode therefore was out of the question, and the intention should be carried into effect in another mode."†

It is plain that the application of this doctrine to the bequests of pious Catholics would operate as a wholesale and indiscriminate confiscation, and it is due to the old board of Protestant Commissioners to admit, that they discharged their functions with a degree of zeal and of activity, which completely frustrated, where it had not discouraged, every attempt of the Irish Catholics to provide any permanent maintenance for the ministers of their worship, their places of education, or other pious or charitable foundations. In those days of *cy près* administration of Catholic testamentary dispositions, the necessity of protecting the death bed of a man from the suggestions of his own conscience, or the influence of his spiritual adviser, had not occurred to those whose compassion is now moved in behalf of his distant cousins! The bequests of Catholics, whether *in extremis* or in vigorous health, were then without scruple alienated, as Dr. Murray says, " from the known objects

* *Carey v. Abbott*, 7 Vesey, 424.

† *Moggridge v. Thackwell*, 7 Vesey, 77.

contemplated by the testator, and applied to objects which, if Section 1. living, he would abhor!"

If this system of administering Catholic charitable bequests had continued to the present time, which might be inferred from Sir Robert Peel's speech of July the 29th, as reported in Hansard, the new Act would, in some respects, have been an improvement.

But it did not continue. The legal and equitable grounds on which its application to Catholic charities rested, were by no means so clear in Ireland as they were in England. The provisions of the English statute of 1 Edw. 6, c. 14, by which *superstitious uses* were declared, and donations of lands, tenements, goods or chattels, for or towards them, were prohibited, had not been enacted in Ireland. An opinion certainly prevailed that the uses declared by that statute to be superstitious and unlawful, were also prohibited in Ireland by the *general policy of the law*, which recognised no worship but the worship of the Church by law established; no priest or bishop, except such as might be members of the Board of charitable donations and bequests. But when the effect of the concession of the elective franchise, and of permanent interests in land had begun to exhibit itself in such an increase of the political power of the Catholic Church and people, as made their support acceptable to one of the great parties in the State, and rendered an early alteration of the law respecting them a grave question of imperial policy—which it was plain to all thinking men must end in their Emancipation—the grounds of the doctrine of *cy près* confiscation of Catholic bequests to the undue enrichment of the Establishment were looked into with more suspicion. The duty of applying it must at all times have been irksome to the Judges of the Equity Courts, and when the Irish seals were entrusted to an English nobleman of no great reputation as a lawyer, but of high character for honour and integrity—rather than decree what was in truth plain plunder, he, in the case of a bequest of a sum of money in trust to apply the interest in clothing such poor children as should be educated in the school of a Nunnery at Waterford—

Charitable Donations and Bequests' Act,

declined to act on the presumption, that the object contemplated was contrary to the statute of Edward, or against public policy, but referred it to the Master to report on the nature and description of the school, and finally decreed in favour of the object of the testator. *Attorney General v. Power*, 1 *Ball & B.* 145.

In a case which occurred some years afterwards, I think in 1823, his Lordship adhered to that decision, and from that time to this, the Commissioners of Charitable Donations and Bequests, have not been encouraged by the Courts of Equity, in their projects of *cy-près* confiscation.

Even before the Emancipation Act, the last ear of their harvest had been gleaned. By that Act, the policy of the law respecting Catholics was avowedly altered. The Board continued for the administration of Protestant Charities, and none other. Some expense and inconvenience no doubt were occasioned by the circumstance, that the Catholic laity were, in many cases, ignorant of the fact, that bequests to Bishops or priests, were, in the eye of the law, bequests to them personally, which would go to their heirs, and not to their successors in the ministry*, however plain the intention of the donor, also, from the necessity of appointing trustees, and the unavoidable insecurity and expense to which the *cestui que trust* of small property, especially personal property, is, in all cases, exposed.

But beyond this there was no restraint of any kind on Catholic donations and bequests for charitable purposes.

To this evil, such as it was, it now appears that the Catholic Prelates of Ireland, in the year 1840, memorialized the Irish Government to apply a remedy. The "most distinguished member of the Irish Catholic body," brought in a bill,† which provided that remedy in a plain, straightforward, and unobjectionable manner. It is difficult to understand how any real friend of the Catholic Church in Ireland, could have objected to the constitution of the Catholic Archbishops and Bishops as bodies

* See the case of *Jack dem. McGuirk v. Rielly*, 2 Hudson & Brooke, 301.

† See Appendix.

politic and corporate, subject to the jurisdiction of the Court of Section 1. Chancery, for the mere purpose of the inexpensive security of Catholic charitable donations and bequests. But the men who introduced this Act of Parliament are not the friends, nor have they until now, ever pretended to be the friends, of that Church. Theirs is an open, undisguised,—let us hope, conscientious, hostility. In their opinion, it is a superstitious institution not to be cherished as a good, but only tolerated as an inevitable evil. That measure was, of course, rejected, as everything was sure to be coming from its author, and in the absence of him, to whom the Catholics of the Empire owe a debt of gratitude which they never can repay, who has at all times proved himself a watchful sentinel over the interests of the Catholic Church, and who is the real cause of any good, if earnest of good there be, in this Act; advantage was taken of the unsuspecting confidence of less wary Catholics, clerical and lay, to fasten upon their Church an enactment which will probably indirectly produce pretty much the same results as was intended by the Acts which it repeals.

With great respect to their Graces the Catholic Archbishops of Armagh and Dublin, they have been outwitted by men more astute, and truth to say, more consistent than themselves.—That sort of consistency which induces men to whom great interests are entrusted to accept and countenance measures of which they deliberately disapprove, merely because they had incautiously suggested something like them in a memorial which was rejected, betrays a spirit unequal to the crisis at which we have arrived. Is not Dr. Murray mistaken in supposing that what has now been enacted was desired four years ago by the Catholic Church in Ireland? He was dealing with a government, acting upon principle, in a spirit of determined, not to say fanatical hostility to the Church over which by God's Providence he has been appointed to watch. In his conduct as in his charge, there is too little of the wisdom of the serpent—too much of the simplicity of the dove. Of

Charitable Donations and Bequests' Act,

the two, Bossuet would be better suited than Fenelon for such times as we live in.

But let us not be too hasty in our conclusion. This preamble is false, or rather it is illusory, and using the term in the unjust sense in which it is often used in England, it is *Jesuitical*. Let us see if the fault be corrected by the enacting clauses: if it be, then all is substantially well, and we shall have only to regret, that in dealing with a great national question, men unequal to the task, have lost a fortunate opportunity, of avowing a statesmanlike regret for past injustice, and a wise resolution to do right for the future.

The proper preamble of a really friendly Act conceded to the memorial of the Irish Bishops would have been as follows: "Whereas the great majority of the people of Ireland are members of the Roman Catholic Church, and whereas the donations and bequests of persons of their communion, have, by the operation of laws ever to be deplored, been applied in past times, to purposes other than those intended by the pious donors thereof, to the unjust impoverishment of Roman Catholic religious and charitable institutions, and the great injury of the Roman Catholic poor. And whereas the circumstances which gave rise to those enactments have long since ceased to exist, and it is just and expedient to provide for the administration of the charities of the Catholic people of Ireland, by inexpensive provisions for their security and protection :" be it enacted,

Commissioners
charitable
nations and
quests for
Ireland ap-
pointed.

II. And be it enacted, That the Master of the Rolls in the High Court of Chancery of Ireland for the time being, the Chief Baron of the Court of Exchequer in Ireland for the time being, and the Judge of her Majesty's Court of Prerogative for causes Ecclesiastical and Court of Faculties in and throughout Ireland for the time being, together with ten other proper and discreet persons, to be from time to time appointed by her Majesty in council, by warrant under the sign manual, of which ten persons, five and not more than five

shall at times be persons professing the Roman Catholic religion, Sections 2, 3, shall be one body politic and corporate, by the name of "The 4, 5. Commissioners of Charitable Donations and Bequests for Ireland," and by that name shall have perpetual succession and a common seal, and by that name may sue and be sued.

III. And be it enacted, that the said commissioners shall be at all Removal and times removable by her Majesty in council, by warrant under the appointment of sign manual; and that whenever, by death, resignation, removal, or such com. otherwise, any person shall cease to be a commissioner under this sign manual; and that whenever, by death, resignation, removal, or missioners. Act, it shall be lawful for her Majesty, by warrant as aforesaid, to appoint one other person instead of the person so ceasing to be such commissioner; and every appointment of the said commissioners and their successors shall be published in the *Dublin Gazette*.

IV. And be it enacted, That all things which the said commissioners are by this Act authorized to do may be done by any five of such commissioners: Provided always, that such five commissioners be for such purpose assembled at a meeting whereof due notice shall have been given to all the said commissioners.

V. And be it enacted, That at each meeting of the said commissioners the said Master of the Rolls, or in his absence the said Chairman of Chief Baron of the Court of Exchequer, or in his absence the said Judge of the Prerogative Court, if present, and, in the absence of all, the senior commissioner in the order of appointment, shall preside; and the chairman at all such meetings shall not only vote as a commissioner, but, in case of the equality of votes, shall have also the casting or decisive vote.

If the principle of a Board of Protestant and Catholic Commissioners for the joint administration of Protestant and Catholic Ecclesiastical charities were sound, there could, as it appears to me, be no objection to the official Commissioners appointed by these sections. On the contrary, if those Commissioners attend to their duties, their presence will, in my opinion, be some security for the faithful execution of the trusts which may hereafter be committed to the Board. I feel satisfied that according to the existing policy of the law, a Catholic charity would be as safe in the hands of the present Master of the

Rolls, as of the late Sir Michael O'Loglin.* All these personages may, and some of them probably will, occasionally in course of time, be Roman Catholics, but even if that should not happen, I cannot doubt that they would honestly carry into effect the provisions of this Act of Parliament. The other Commissioners are to be appointed and removable by warrant under the sign manual, but no emolument is attached to their office; they may of course be subjected to other influences, but they will have no direct temptation to act otherwise than with perfect independence.

Neither do I see any objection to the terms in which the Catholic Commissioners are described: "Five discreet persons professing the Roman Catholic religion;" words copied from the Catholic Relief Bill, are,—if Catholic Commissioners there must be,—the sort of Commissioners who are required.

The appointments which have actually taken place, may also be admitted to be unexceptionable. We wonder what induced Sir Patrick Bellew to accept the office, or how Mr. Blake, whose approval of Mr. O'Connell's Bill of last Session is on record,† and whose health has compelled him to resign the important duties of Chief Remembrancer, can have been prevailed upon to countenance an "imperfect" measure, "full of blemishes;" "of which no Catholic can approve‡," and thereby obstruct the passing of a better one. The Catholic Episcopal Commissioners, are, of course, all that can be desired, and though one does feel a little astonished at Dr. Beresford's acceptance of a trust for Catholic Priests and Mass-houses, I have not the least doubt that he and the Earl of Donoughmore and the Dean of St. Patrick's, will act like men of honour, and, as far as they conscientiously can, dis-

* It seems scarcely necessary to refer to the recent case of *Read v. Hodges*, Michaelmas Term. 1844, a bequest of money by a Catholic testator, "to be expended in masses for my soul's sake" in confirmation of this opinion.

† See his evidence before the Mortmain Committee of last session.

‡ See Dr. Murray's Pastoral Letter.

charge their new duties to the best of their ability. Some of Sections 2, 3,
them must be more in Dublin than they have been hitherto ;
and if scruples should arise in their mind, they will, of course,
resign, and make way for others, to be appointed by the Crown.

Much credit has been claimed for the Government, on account of their recognition by this Act of the Archbishops and Bishops of the Roman Catholic Church. That this recognition formed no part of their original intention, is clear, from the provisions of the Bill, as it first came down to the House of Commons. The Minister, on the suggestion of Lord Arundel and Surrey, took time to consider whether he could, without danger of being thought too liberal, consent to allow certain persons of eminent piety and learning, *of whose aid he was in need*, to be called by their right names. On reflection, he thought this might be done, *cy-près*, without danger to the Church or State, and, accordingly, men whose rank and station as Archbishops and Bishops, has always been recognised throughout the Christian World, and at least as eagerly at Lambeth as at Rome, have been designated in an Act of Parliament as Archbishops and Bishops. This is the sum total of the concession ! And yet the duty of being grateful for it has been pressed upon us from so many quarters, and with earnestness so importunate, that it is much to be regretted we are not, as Catholics, in a condition to be suitably generous in return. It would have been more correct to have called Drs. Crolly and Murray, the Roman Catholic Archbishops of Armagh and Dublin, which they are, quite as much as St. Cyprian was Archbishop of Carthage, and St. Augustin Bishop of Hippo ; but by so doing, *gain de cause* would have been given to the Catholic Archbishop of Tuam,—a thing no more to be thought of than the passing of a Bill proposed by Mr. O'Connell. The point is of no kind of importance, one way or the other.

With regard to the place accorded to the Catholic Prelates, in the warrant of their appointment as Commissioners, it must be acknowledged, that their Lordships have been treated with respect. In the absence of the Master of the Rolls, the

Charitable Donations and Bequests' Act,

Chief Baron of the Court of Exchequer, the Judge of the Prerogative Court, and the Lord Primate of the Church by Law established in Ireland,—Dr. Crolly will preside at the Board as “senior Commissioner, in the order of appointment.”* The notion that this civility was intended to recognise in Catholic Archbishops generally, a right of precedence over Earls and Viscounts; in Catholic Bishops over Baronets and Privy Councillors, is, in my humble judgment, a delusion,—the Government are not committed to anything of the kind. This warrant is probably the first State document since the Revolution, in which the venerable Archbishops and Bishops of the Catholic Church in Ireland have been mentioned with common courtesy,—that it has been done cheerfully and willingly by the Members of Her Majesty's Government, I should be glad to believe; but that any thanks are due to them for their becoming conduct in this respect, I altogether deny. To treat this piece of mere *bienfaisance*, as a point gained by the Catholic Church in the transaction, is to suppose that the scruples of hesitating Prelates were overcome by an engagement—that in consideration of their consenting to act as Commissioners, they should be allowed to walk out of a room before the Earl of Donoughmore and Sir Patrick Bellew! I believe nothing of the kind. The Queen's Ministers cannot have been saucy enough to offer, nor the Catholic Prelates mean enough to accept, so paltry a bribe.

The Archbishops and Bishops of the Roman Catholic Church in Ireland, have been respectfully mentioned in an Act of Parliament, and in a warrant under the Sign Manual! The Irish people may rejoice in this evidence of the increased good sense and improved manners of their Rulers—but that is all.

Religious
questions to be
referred to
committees.

VI. Provided always, and be it enacted, That the consideration

* By the 8th section of the Irish Church Temporalities Act, (3 & 4 Wm. 4, c. 37), it is provided, that at each meeting of the Commissioners, the Commissioner first in rank and precedence shall preside, and in case of equality and rank, the “Senior Commissioner in the order of appointment.”

of all charitable donations and bequests, and of matters relating to Section 6. them, in which any question shall arise before the said commissioners concerning the usage or discipline of the united Church of England or Ireland, or of any body of Protestant Nonconformists, shall be referred to a committee of the said commissioners consisting of those commissioners who are Protestants ; and that the consideration of all charitable donations and bequests, and of matters relating to them, in which any question shall arise before the said commissioners, concerning the usages or discipline of the Church of Rome, shall be referred to a committee of the said commissioners consisting of those commissioners who profess the Roman Catholic religion ; and that whenever, by reason of reference to or intendment of any usage of any such church or body, or any district or division, in use according to the discipline of any such church or body, the object of the donation, devise, or bequest shall not be defined with legal certainty in the deed or will creating the trust, the committee to which the same shall be referred shall certify to the commissioners who is, according to the uses and intendment of such church or body, the person for the time being intended to take the benefit of such donation, devise or bequests, or other particular facts concerning the usages or discipline of such church or body necessary to be known, for the due administration of the trust, according to the true intent and meaning of the donor ; and the commissioners shall receive every such certificate as evidence of the facts certified, Routine of office. and shall give effect to such donation, devise, or bequest accordingly, so far as the same may be lawfully executed according to the provisions of this Act : Provided always, that nothing herein contained shall be construed to limit or affect the jurisdiction of any Court of law or equity.

We now come to the pith of the Act of Parliament, the jurisdiction given by it to the Commissioners—the influence and patronage vested by it in the Crown—the restraints imposed upon Catholic donors of property for religious and charitable purposes—the precautions taken against the acquisition, by the Catholic Church, of any interest in land, resembling in its character a temporal Establishment in Ireland, the extent of the benefits conferred on Catholic charitable institutions, properly so called—its effects upon the regular clergy.

j

Charitable Donations and Bequests' Act,

On reference to the fourth section, it will be seen that all things which the Commissioners are, by this Act, authorized to do, may be done by any five of such Commissioners. Reading that section in conjunction with the one now under consideration, it seems clear to me, that power is given to any five Commissioners, to decide finally and without appeal, except to a Court of Equity, upon the usage and discipline of any Church or body—the person intended to take the benefit of any devise or bequest—and the legality of executing such devise or bequest. In case of a difference of opinion, the question is, (by the fifth section,) to be decided by the majority, the chairman having the casting or decisive vote; (there is no provision for voting by proxy,) so that if the Judicial Members of the Commission should not attend, (which must often happen,) and illness or business should chance to render the presence of other Commissioners inconvenient, the final adjudication of the Board, on all these points, might not impossibly be given under circumstances which would not practically afford that degree of protection to Catholic and Protestant bequests, which was no doubt intended to be secured. If the business of the Board should be considerable, this difficulty can hardly fail to be of frequent occurrence. Yet I am far from suspecting that this operation of the provisions of the Act will be encouraged, and it is only fair to presume that the Government would be willing to provide a remedy for any such unexpected inconvenience.

Unless the Protestant Commissioners act, in a spirit of perverse, or, what they might consider pious, hostility to the interests of Catholic charities, the words above printed in *Italics*, appear large enough to throw the responsibility of the administration of Catholic charitable donations and bequests upon the Catholic Commissioners. For that very reason, I think this is an odious clause. I had much rather trust the Judges of the land or the prelates of the Established Church, acting upon their honour as gentlemen, (there is no oath prescribed

by this Act,) in the case of a difference on a point of jurisdiction, between a Bishop and his Chapter, or his Parish Priests, than any body of lay Catholic Commissioners, however orthodox or respectable. I mean no mere compliment to Sir Patrick Bellew and Mr. Blake when I say, that they cannot be succeeded by Commissioners of more unblemished honour, or superior attainments, but I think their presence at this Board rather mischievous than otherwise.

In the administration of Ecclesiastical Charities questions of difficulty cannot easily occur before the Board, unless the benefit of bequests should be claimed by a Parish Priest not approved by his Bishop, or a doubt should arise respecting the regularity of a Bishop's appointment to a vacant see, or the calamity should again happen of a conforming Catholic Bishop. If the Protestant Commissioners be prepared, *bond fide*, to acknowledge the spiritual jurisdiction of the See of Rome, the two last cases could hardly give rise to much practical inconvenience. The Irish Catholic Bishops are appointed by the Pope, having been previously elected or rather presented by the Parish Priests and the Chapter of the vacant diocese, and recommended by the Metropolitan and Suffragans of the Province. The forms to be observed at the election, are regulated by a Decree of the Sacred Congregation *de Propaganda Fide*. Being thus possessed of his See, a Bishop by the laws of the Catholic Church can only be removed after trial and sentence for a canonical fault. Such trial is one of the *causæ maiores*, which by a decree of the Council of Sardica, in the fourth century, cannot be finally decided without reference to the Pope. A Suffragan Bishop accused of crime would, in the first instance, be cited before his Metropolitan, but an appeal would lie from his decision to the Holy See, and a Bishop deposed by the Holy See would, if this Act were fairly executed, *ipso facto* forfeit all claim to the benefit of any bequest to which he might otherwise be entitled. Whether the Protestant Primate of all Ireland and the Dean of St. Patrick's could with comfort to themselves take notice of a

Charitable Donations and Bequests' Act,

Decree of his Holiness, appointing or deposing a Bishop, is more than I can say. But of this there can be no doubt, that Catholic Archbishops and Bishops are altogether out of place at a Board before which such matters may be discussed, under the presidency of a Prelate who has solemnly sworn—" *So help him God, that no foreign Prince, Prelate, State, or Potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence or authority, Ecclesiastical or Spiritual, within this Realm.*" Nothing but shame and disgrace to both Churches can result from such confusion !

The administration of charitable bequests under the provisions of this section, in the event of a difference between a Bishop and his subject, the parish priest, would give rise to more complication. The parish priests are appointed by the Bishops. They are in number about 1100. Their incomes may average from 150*l.* to 200*l.* a-year. In some cases it is as much as 400*l.*, but then they have to maintain one or more curates. Once appointed, they can only be removed for a distinct cause of Canonical fault for which they may be cited before their Bishop. If a priest should be unable to discharge the duties of his state, or become infamous or odious to the people, if he should commit violence upon one of his parishioners, get intoxicated publicly, abuse, (which was never known to happen) the confidence of the Confessional—exercise improper influence over the worldly dispositions of a dying man, refuse his ministry in cases of danger from infectious disease, or be guilty of any act of flagrant immorality or misconduct, he might, as also for maintaining heretical doctrines, according to the usages and discipline of the Church of Rome, be suspended ; and in cases of heinous crime or obstinate error, be deposed, or even publicly degraded, by his Diocesan. Is it meant that the Bishop shall, for the future, exercise this power in the case of parishes endowed under the provisions of this Act, so that the certificate of the Catholic Committee shall be a mere transcript of his certificate granted at their request ? If yea, why

not say so in plain terms? If not, the five Catholic Commissioners who may all be laymen, and probably will be, ere long, must, before they draw up their certificate for the information of the Protestant Commissioners, maturely weigh and consider the distinctions between the Canonical faults which may justify suspension, and those which may warrant deposition; they must have at their fingers' ends all the learning relating to the *suspensio totalis*, and the *suspensio partialis*—the *suspensio ab ordine*, and the *suspensio a jurisdictione*—the *suspensio ab officio*, and the *suspensio a beneficio*. Upon all these points, the Bishop of the Diocese may disagree with them. Other Bishops may differ with him, as my Lord of Exeter differs from my Lord of Worcester. Who is to decide between them? The Lord Archbishop of Armagh—the Dean of St. Patrick's—the Earl of Donoghmore, and the Judge of the Prerogative Court? Impossible. This section of the Act of Parliament cannot be made to work consistently with the laws and discipline of the Catholic Church. If the certificate of the Commissioners be more than a counter signature of the certificate of the Bishop—one priest may have the benefice of a parish—another, the cure of souls. So important did the strict maintenance of this branch of the Episcopal jurisdiction appear to the late Dr. Doyle, that when the question of the payment of the Catholic clergy by the State was submitted to him by the Committee of the House of Commons in 1825, he expressed a clear opinion, that unless the Catholic Church were republicanised, and all subordination were done away, it would, in the event of such a measure, be indispensable to make the salaries of all the priests in Ireland absolutely dependent on the mere production of a certificate from their Bishops—excluding all interference direct or indirect on the part of any persons whatsoever. If this Act goes into effectual operation, the present mode of supporting the clergy will, in many parishes, fall into disuse. Priests in such parishes will, from the mere intricacy of the questions sub-

Charitable Donations and Bequests' Act,

mitted to the five Commissioners, and which they will be quite incompetent to decide, find themselves and their curates in the position of Dr. Hynes, of Guiana, approved by their ecclesiastical superiors, and rejected by a Government Board !

The evil of withdrawing a cause from its proper jurisdiction, to a tribunal in which, from its essential character, it is *coram non judice*, cannot be compensated by mere honesty of purpose in the Judge. It is no answer to say, that the same amount of protection is given to the Protestant Church, for the law upon such subjects, as far as the Establishment can be affected by it, has been settled by a long current of decisions, which have been recognised and enforced by the authority of the State,—or that the Protestant Dissenters are left without any protection,—for their Ecclesiastical polity bears no analogy to ours.* Besides, equal injustice is very different from impartial kindness, and a measure proposed by "the most distinguished member of the Irish Catholic body" having been, with something very like contumely, rejected, the question is, whether the provisions of this Act are such, as to call upon the Irish Catholics to accept it with gratitude, or justify their Prelates in assisting to carry it into effect ? If the Board is to continue at all, the only palliative that occurs to me to this enormous evil would be, to make all the Catholic Metropolitans Commissioners *ex officio*, (something of the kind was in vain suggested by Mr. Sheil) and the certificate of each of them conclusive on all points relating to the usages and discipline of the Church in his province.

On this point, however, I write with very great diffidence. I believe that an appeal upon most of the subjects adverted to would, by the general law of the Church, (subject to any modification of the discipline of the Church in Ireland, introduced by the Council of Trent,) be from a Suffragan to his

* See the evidence of George Hadfield, Esq., examined before the Mortmain Committee, p. 52, from which it appears that the endowment of ministers and Chapels is inconsistent with the system of the principal denominations, Baptists, Independents, &c.

7 & 8 Vict. c. 97.

Metropolitan, and something like the intention concealed Sections 7,
under the heap of words crowded into this section, might thus,⁹
without direct violence to the law of the Catholic Church, be
carried into effect. I assume of course, that the adoption of any
arrangement suggested by Mr. O'Connell is out of the question.*

VII. And be it enacted, That it shall be lawful for the Lord Appointme
Lieutenant or other chief governors of Ireland, with the consent ^{of officers.}
and approbation of the commissioners of her Majesty's Treasury,
from time to time to appoint during his pleasure a secretary or
secretaries to the said commissioners, and also such officers, clerks,
and servants as may be necessary for the purposes of this Act ; and
the said commissioners of her Majesty's Treasury shall fix the
salary or salaries of the said secretary or secretaries, officers, clerks,
and servants in fit proportion, according to the duties which they
from time to time may have to perform.

VIII. And be it enacted, That the salaries of the said secretaries, Salaries an
officers, clerks, and servants, and also the necessary expenses of ^{expenses.}
carrying on the business of the said commissioners of charitable
donations and bequests for Ireland, not herein otherwise provided
for, shall be paid by the commissioners of her Majesty's Treasury
out of the Consolidated Fund of the United Kingdom of Great
Britain and Ireland.

IX. And be it enacted, That one of the secretaries, or some other Minutes of
officer of the said commissioners, shall make minutes of the pro-
ceedings of the said commissioners at their several meetings, and
shall keep a book, in which he shall enter a fair copy of such
minutes, and the names of the commissioners present ; and the
fair copy of the minutes of the proceedings of each meeting shall
be read at the next meeting of the commissioners, and if approved
as correct shall be signed by the chairman of the meeting at which
they shall be so read.

In the execution of the powers vested in the Commissioners
by this Act, much will depend upon the character, the ability,
and the tendencies of the chief Secretary to the Commissioners.
The appointment to this important office is vested in the Lord

* See Appendix—Mr. O'Connell's Bill.

Charitable Donations and Bequests' Act,

ection 10. Lieutenant, but subject nevertheless to the consent and approbation of the Lords of the Treasury. His salary, as well as the necessary expenses of carrying on the business of the Commissioners, are to be defrayed out of the Consolidated Fund. A most just and proper arrangement! The regulation and limitation of Catholic Charitable Bequests and Donations, in the mode to be presently described, was deemed by her Majesty's Ministers to be an important object of State policy,—it is very fit that the State should pay for it.

Whether the Catholic Committee of Commissioners are to have a Secretary or not does not appear to be as yet determined. The Secretary will hold his office during pleasure, subject to little or no controul by the Commissioners, and absolutely dependent on the Government in England. The great probability is, that before very long, some of the Commissioners will discover that they were intended rather for ornament than for use. Such is the usual course of things on Boards of this description. By dint of steam and of railroads the gratuitous zeal and activity of Dr. Crolly and Dr. Denvir—Sir Patrick Bellew and Mr. Blake, and the well-employed leisure of Dr. Murray, may render this Board a pattern for its cotemporaries, otherwise "the Board *c'est moi*," will be the motto of the Whitehall Secretary. He will hold pretty much the same position as Mr. Chadwick occupies at Somerset House. Nor will his duties be in all respects dissimilar, for if I read this Act rightly, a more stringent enactment for the prevention of what that gentleman would call "out-door relief," otherwise charity to the poor in Ireland, could not have been invented.

mmis-
mers to
ort.

X. And be it enacted, That the commissioners shall, once at least in every year, and also whenever her Majesty's pleasure shall be signified to them in that behalf, report to her Majesty their proceedings under this Act; and a copy of every such report shall be communicated to both Houses of Parliament within six weeks after the same shall be made, if Parliament be then sitting, or if not then within six weeks next after the meeting of Parliament.

If there must be a Board, by all means let its proceedings Sections 11,
be made public. In this age of Boards and of Commissions,^{12, 13, 14.}
publicity is our only protection against the abuse of good
measures, our only ground of hoping for the amendment of
bad ones.

XI. And be it enacted, That from and after the first publication Property, &c.
in the *Dublin Gazette* of the appointment of the Commissioners of belonging to
Charitable Donations and Bequests for Ireland under this Act the body corporate
property, estate, and effects, rights, claims, titles, and possessions, created by
of what nature or kind soever, of or belonging or which of right recited act
ought to belong to the said body politic and corporate created by 40 Geo. 3, (L.)
the said recited Act of the fortieth year of King George the Third, vested in com-
and vested in the said body by virtue of the said Act or otherwise, missioners
shall vest in and devolve upon the Commissioners of Charitable under this act.
Donations and Bequests for Ireland created by this Act, subject to
such trusts and conditions, liabilities, contracts, and engagements,
as the same shall then be subject and liable to.

XII. And be it enacted, That the said Commissioners of Charitable Commissioners
Donations and Bequests for Ireland may sue for the recovery of every may sue for
charitable donation, devise, or bequest intended to be applied in charitable recovery of
Ireland, which shall be withheld, concealed, or misapplied, and shall donations, &c.
apply the same, when recovered, to charitable and pious uses, according to the intention of the donor or donors ; and the said Commissioners shall be empowered to deduct out of all such charitable withhold, &c.
donations, devises, and bequests as they shall recover all the costs, charges, and expenses which they shall be put to in the suing for
and recovery of the same: Provided always, that no information shall Proceedings
be filed, or petition presented, or other proceeding at law or in not to be un-
equity undertaken or prosecuted, by the said commissioners, until dertaken till
the same shall be submitted to and allowed by her Majesty's attorney or
Attorney or Solicitor General for Ireland, and such allowance general
certified by him.

XIII. And be it enacted, That no action or suit at law or in Actions not
equity shall be abated by the dissolution of the said corporation abated by
created by the said Act of the fortieth year of the reign of King dissolution of
George the Third, but that the Court in which any action or suit corporation
shall be depending at the time of the commencement of this Act created by
may, if such Court shall so think fit, upon the application of any 40 Geo. 3, but
party to the said action or suit, allow the name of the Com- same may be
prosecuted by commissioners under this act.

Charitable Donations and Bequests' Act,

missioner of Charitable Donations and Bequests for Ireland incorporated by this Act to be substituted in the place of the said commissioners created by the said statute of the fortieth of George the Third, and such action or suit may be prosecuted and defended in the same manner as if the same had been originally instituted by or against the said Commissioners incorporated by this Act.

missioners
t to pay costs
attorneys,
. unless
ount ap-
oved by the
treasury.

XIV. And be it enacted, That no sum shall be paid by the said Commissioners of Charitable Donations and Bequests for Ireland to any attorney or solicitor, as and for costs, charges or expenses, unless the amount of such payment shall first have been approved of by the Commissioners of her Majesty's Treasury ; and before any such sum shall be allowed by the said Commissioners of the Treasury on such account as aforesaid the particulars of all such costs, charges, and expenses shall be laid before them.

Unless I very much mistake the meaning of these sections, any donations and bequests for charitable purposes, which may have been discovered and confiscated under the provisions of the 40 Geo. 3, c. 1, by virtue of the *cy près* constructions, which have been described, and heretofore vested in the body politic and corporate by that Act created, are now, together with all records, evidences, and titles relating to them, *vested* in Dr. Crolly, Dr. Murray, Sir Patrick Bellew, and Mr. Blake, to be by them henceforth applied to purposes which "the pious donors would, if now living, abhor." That there may be no mistake about the matter, such property is to *vest* in the new Commissioners, "*subject to all such trusts, conditions, liabilities, contracts and engagements as the same shall now be subject or liable to.*" Nay, it shall be lawful for the Court in which any suit at law or equity was depending at the time of the commencement of this Act, on the application of any party to such suit, to order the names of the three Catholic Prelates, the Baronet, the Privy Councillor, and their fellows in the new Commission, to be substituted for the defunct body corporate : the suit proceeding all the while as if no change whatever had taken place. Indeed by the first section the old

Acts are repealed, with this careful proviso, " save as to any Sections 15, things done at any time before the commencement of this Act,^{16.} all of which shall be and remain good to all intents and purposes whatsoever, as if this Act had not passed."

What more could the enemies of the Catholic Church desire than that its seal should thus be put to iniquity, of which the counterpart is not attested by the history of any age or of any country ?

XV. And be it enacted, That every person or body corporate having in his, her, or their own right any estate or interest, in possession, reversion, or remainder, of or in any lands, tenements, or hereditaments, or any property of or in any goods or chattels, shall have full power, at his, her, and their will and pleasure, by deed duly executed, and attested by two credible witnesses, or by his or her last will in writing, duly executed according to law, to give and grant to and vest in the said Commissioners of Charitable Donations and Bequests for Ireland, and their successors, all such his, her, or their estate, interest, or property in such lands, tenements, hereditaments, goods, and chattels, or any part or parts thereof, in trust for building, enlarging, upholding, or furnishing any chapel or place of religious worship of persons professing the Roman Catholic religion, or in trust for any archbishop or bishop or other person in holy orders of the Church of Rome officiating in any district, or having pastoral superintendence of any congregation of persons professing the Roman Catholic religion, and for those who shall from time to time so officiate or shall succeed to the same pastoral superintendence, or for building a residence for his and their use ; and such estate, interest, or property in such lands, tenements, or other hereditaments, goods and chattels, shall vest in and be holden by the said commissioners, subject to the trusts of such deed and will respectively, without any writ or license other than this act : Provided always, that nothing herein contained shall be construed to render lawful any donation, devise, or bequest to or in favour of any religious order, community, or society of the church of Rome bound by monastic or religious vows prohibited by an act passed in the tenth year of the reign of king George the Fourth, intituled *An Act for the Relief of His* 10 Geo. 4, c. 7

Persons or
bodies may by
deed vest lands
&c. in the com-
missioners, in
trust for
Roman Catho-
lic ministers in
Ireland.

Charitable Donations and Bequests' Act,

Majesty's Roman Catholic Subjects, or to or in favour of any member or members thereof.

seeds to be
gistered.

XVI. And be it enacted, That after the commencement of this act no donation, devise, or bequest for pious or charitable uses in Ireland shall be valid to create or convey any estate in lands, tenements, or hereditaments for such uses, unless the deed, will, or other instrument containing the same shall be duly executed three calendar months at the least before the death of the person executing the same, and unless every such deed or instrument, not being a will, shall be duly registered in the office for registering deeds in the city of Dublin within three calendar months after the execution thereof.

The Archbishops and Bishops of Ireland, in their memorial of February, 1840, appear to have informed the friendly Government of Lord Melbourne, "That the Memorialists and their Clergymen were trustees of very considerable funds and property, for charitable uses, and that the legacies to them for charities had been, and still were, increasing to a very great extent."

On this hint, inquiries were no doubt instituted by a Government, the Members of which have hitherto most consistently acted upon the avowed principle of doing nothing for the Catholics of the Empire, which is not forced upon them by irresistible duress, and it was discovered that the amount of property placed at the disposal of Catholic Trustees, generally Priests and Bishops, for religious and charitable purposes, is not less than £4,000*l.* per annum; a degree of munificence, which, when viewed through the medium of unfounded alarm and prejudice, appeared sufficient in its possible continuance, to secure to the Church, preserved by the mercy of God, as the guide and instructress of the faithful Irish people in this life, and their consolation when life is to be no more, as much of the just weight of permanent established property, as might, under our free constitution, exert a sensible and certain influence on the Government of that country.

Neither Whig nor Tory Administrations having yet made up Sections 15,
 their minds to admit the great Catholic institutions and establish-^{16.}
 ments of the Irish people into their schemes of Conservative
 policy ; " THIS WAS THE MISCHIEF TO BE REME-
 DIED,"—and to be sure, it has been done, with a degree of
 vigour, sagacity, and contrivance, which makes one hope, that
 the chief actors in it were influenced by a conscientious, though
 mistaken, belief, that they were discharging a meritorious duty.
 Yet the Bishop of Beauvais, who took into his head, that France
 should have no allies that were not Catholics, and insisted as a
 preliminary to negotiations with the Ambassadors of the United
 Provinces, that their Masters should embrace the doctrine of
 transubstantiation, and have High Mass sung at the Hague*—
 was not more absurd than they are, if they still cling to the hope
 of governing Ireland upon the principle of ignoring, instead of
 cherishing the religious Establishments of its people. Had
 they but the wisdom to see how easy it is to deal with men
 who, content with honourable poverty for themselves, ask for
 nothing from the State, but protection, independence, and the
 means of usefulness, to the poor flocks whom they serve, and
 how firm a bulwark of National power and Union the content-
 ment of such men on their own principles would be ; there would
 be no need of resorting to schemes like this to avert a danger,
 which, but for the obstinate abdication of the real duties of the
 Queen's Government to her Catholic subjects in Ireland,
 could have no existence.

Foreign Powers, Protestant and Catholic, however jealous
 of Papal interference, entertain no apprehensions on this head.
 I learn, from the evidence given before the Mortmain Com-
 mittee, by Mr. Adolphus Bach, an intelligent German gentle-
 man of the Lutheran Church, that in France and Austria, and
 Prussia, any amount of real property may be held by Eccle-
 siastical corporate bodies, subject, in Austria, to some degree
 of supervision, but to no other limitation or restraint than such

* Droit public de l'Europe by the Abbe de Mably—*Principes des Negociations*,
 Chap. 18.

Charitable Donations and Bequests' Act,

as may be necessary to secure to the ascendants and descendants of a testator the *portio legitima* of the civil law. For Prussia, indeed, by a Concordat between the King of that country and the Pope, it was provided, that from the year 1833, the income of the Catholic Bishops, Deans, and Chapters, should be derived from land to be freehold of the Church, and that the Government should buy the domains necessary for that purpose,—not a mere pension to be annually debated, voted, or curtailed, according to the caprice of the representatives of those who profess a different faith—not “to rise and fall with the Euripus of funds and actions,” and run dry, perhaps, altogether, if financial difficulties should overtake us; but a settled and fixed provision, resting upon the same foundation as all other property, not to be touched without alarm to the owners of other property, the law of the land.

The show of something like this, is no doubt provided in the 15th section of the Act before us—but it is mere show, words, and nothing more. That section contains the only enabling provision of the Act; all the rest, beyond the civility before adverted to, is incapacity and restraint. Power by this section is given to any person to leave any sort of property to the new Commissioners, in trust, for the purposes, and for the persons and their successors in that section mentioned, but subject to this most effective limitation (rivetted on us by the 16th section), that no donation, devise, or bequest, for pious or charitable uses in Ireland, shall be valid to create or convey an estate in lands or tenements for such uses, *unless the instrument, deed, or will, shall be executed three calendar months at least before the death of the person executing the same*, and duly registered, if not a will, within three months of its execution.

That this limitation was designed for the express purpose of diminishing the amount of property held by any tenure or in any hands—for Catholic, charitable, or Ecclesiastical purposes, no one who reads it can doubt. Was it suggested by previous inquiries ascertaining the relative amount of bequests made at a distant period, or recently before the death of testators?

The result of no such inquiries has been made public. Have Sections 15, flagrant instances of the unjust disherison of natural heirs by Catholic testators lately occurred, to make deathbed donations which were deemed tolerable enough, when administered under the Act of 40 Geo. 3, intolerable now? Nothing of the kind. Are there reasonable grounds for believing that the alarms of dying sinners are worked upon by pitiless and unscrupulous priests with the sanction or connivance of their superiors? The reverse (issue being joined on an allegation made to that effect by a Right Reverend Prelate*) had been, when this Act passed, notoriously established before a Committee of the House of Commons, composed (with the exception of the same Catholic member to whom the government are indebted for the suggestion of acknowledging respectfully in this Act the ecclesiastical rank of the Irish Catholic Prelates) of Protestant members. It is a restraint in direct opposition to a principle than which none is better established in the law of England (subject to the exceptions introduced by the Mortmain Act) that putting aside wife and children, ascendants, descendants, and collaterals, a man may leave his property to whomsoever he thinks proper. Then why was this limitation enacted? How can it be justified? How are the Irish Catholics, priests and people, to be reconciled to it? By the assurance, it seems, that "it affects Protestants as well as them, and is much more limited than that which affects the Protestants of England!"† The unsuspecting goodness of the venerable Archbishop has been imposed upon—on both points he is mistaken.

First, as to the Irish Protestants. No Church in the world, with reference to the number of its members, is so richly endowed. I do not mean to say that the incomes of individual clergymen, where they have any duties to perform, are excessive. I am inclined to think the contrary is generally the case, and I cannot mention a body of men from whom I conscientiously differ, without admitting that their charities have been, in many cases,

* See the evidence of the Bishop of London, before the Mortmain Committee, *post.*

† See Dr. Murray's charge.

within my own knowledge, impartially bestowed on Catholics and Protestants; and their lives such, as to disarm all that personal hostility which might naturally be expected to exist in the minds of men, who rejecting their ministry, feel that the revenues which are raised for their support, are burthens which ought not to be borne. When do we ever hear of an outrage committed upon, or even an incivility offered to a Protestant Priest or Bishop? Besides their opinions in matters of faith, the clergy of the Protestant Church in Ireland have, as a body, but one fault that I know of, and that fault is rather imputable to the State than to them. They look down with contempt and scorn on the Catholic labourers, whose Church was in the Vineyard long before theirs, and whose services are not, like theirs, rejected by the People. They have been taught and encouraged so to do. How should they respect the Priesthood of a Church, which though it be the Church of William of Wykeham, of Chichele, of Sir Thomas More, and of two-thirds of the Christian world, is still unrecognized by the law of the land? All this is the bad result of the temper of the Government, which must be plainly and avowedly altered, if charity and goodwill are desired between Catholics and Protestants in Ireland. But what need has the Irish Establishment of Charitable Donations and Bequests? After securing a competent provision for all the Protestant Archbishops, Bishops, and Priests of Ireland, there is an annual surplus revenue of nearly 100,000*l.* applicable to the building, repairing, ventilating, providing stoves, prayer books, and Sacramental elements for the 500,000 persons who worship in the Protestant Churches! It is amusing, in reading the annual reports of the Commissioners, to observe how puzzled they are to spend it. Oh! for another storm like that of January, 1839,* by which "three-fourths of the Churches in Ireland were injured in a greater or less degree," to assist them in making up the schedule of their "disbursements, salaries, and incidents!"

These revenues are at the disposal of an Ecclesiastical

* See the annual report of the Ecclesiastical Commissioners of Ireland to the Lord Lieutenant, dated 12th August, 1839, *post.*

Board, established under the Irish Church Temporalities Act, Sections 15, 16.
a well concerted measure of reform passed in 1833, under the auspices of Lord Stanley, and which would be worthy of all praise, had its object been, not the Church of a class, but the Church of a Nation. However, the result is, that the Establishment is in a state of more effective order, obnoxious to less odium, and with resources more available to the purposes of its institution, than in any period of its shameful history. Whether the Royal Free Schools, Grammar Schools, English Schools, Diocesan Schools, Military and Naval Schools, Friendly Hospitals, and other such institutions are still practically confined to Protestants, I have not at hand the means of ascertaining ; but the National Schools are open to them as well as to Catholics, and the amount (6000*l.*) miserable in relation to their wealth—of their Donations and Bequests to charitable uses, sufficiently attests the fact that they are already abundantly provided for.

His Grace the Archbishop is mistaken, respecting the restrictions now in force in England on Donations and Bequests for Charitable and Religious purposes. The sixteenth section of this Act is, by many degrees, the most restrictive enactment upon the subject of Charitable Donations and Bequests now in force in the three Kingdoms.

Protestant Dissenters, who have few Ecclesiastical Endowments, are, (under the provisions of the 9 Geo. 2, and Catholics under the 2 & 3 Wm. 4, c. 115,) in some cases obliged to avail themselves of the simplest and oldest contrivance to effect their pious intentions, the *fidei commissa* of the Civil law, so called, *quia nullo vinculo juris sed pudore tantum eorum qui rogabantur continebantur.** But it is otherwise with the Established Church, and with many of the most important charitable institutions in this Kingdom. Let us see in the first place, how the law stands in England, respecting Donations and Bequests for the benefit of the Established Church.

* *Institutiones Justiniani*, lib. 2, tit. 23. See the evidence of Charles Gibson, Esq., an eminent Catholic solicitor at Manchester, before the Mortmain Committee, p. 152.

Charitable Donations and Bequests' Act,

By the 2 & 3 Anne, c. 11, a corporation called the Governors of the Bounty of Queen Anne was erected, to whom her Majesty was enabled to grant in perpetuity, the Revenues of the First Fruits and Tents theretofore vested in the Crown; and it was enacted, that all persons, (*except persons within age or of non-sane memory, or woman covert, without their husbands*), having in their own right any estate or interest in possession, reversion, or contingency of or in any lands, tenements, or hereditaments, or any property in any goods or chattels should have full power and authority, at their will and pleasure, by deed enrolled, *or by their last will or testament, in writing duly executed*, to give and vest in that corporation, and their successors all such their estate, interest, or property in such lands, tenements, and hereditaments—goods and chattels, for and towards the augmentation of the maintenance of ministers officiating in Churches or Chapels, where the Liturgy and rites of the Established Church were used and observed, and having no settled competent provision belonging to the same, and to be for that purpose applied according to the will of the benefactors, or in default of their limitation and appointment in such manner as her Majesty by her letters patent should direct.

The provisions of this Act had been amended and extended by subsequent statutes, when by the 9 Geo. 2, c. 36, entitled, "*An Act to Restraine the Disposition of Lands, whereby the same become Inalienable*," after reciting "that the public mischief of many large and improvident alienations and dispositions made by languishing or dying persons, or by other persons, to uses called charitable uses, to take place after their deaths, had of late greatly increased," it was enacted, that after the 21st of June, 1736, no manors, lands, tenements, &c. or sums of money should by any ways be given, conveyed, or settled to or upon any person or persons, bodies politic or corporate, in trust or for the benefit of any charitable uses whatsoever, unless by deed indented and executed before two witnesses twelve months before the death of the donor, and enrolled within six months after the execution thereof in the Court of Chancery.

This Act, subject to some exceptions (to be presently noticed,) Sections 15,
did no doubt for a time, limit the enabling operation of the
Statute of Anne, and restrain donations and bequests to the
Established Church nearly to the same extent as Catholic
donations and bequests are restrained by the recent enactment.

*But by the 43 Geo. 3, c. 107, the Governors of Queen Anne's
Bounty were excepted from the operation of the 9 Geo. 2, c. 36.*

The 45 Geo. 3, c. 84, makes it lawful for any persons having
in their own right, money, goods, chattels, and effects, to give
the same with or without deed or deeds, enrolled or not enrolled,
to the Governors of Queen Anne's Bounty, for the purposes of
the Act establishing that corporation. Large sums of money.
as much I believe as 1,100,000*l.* have been placed at their
disposal by Parliament, and although the augmentation of
livings from their fund, has by a bye-law of their own been
limited to those which do not exceed 200*l.* per annum, this
may be altered at any time.

"The Mortmain Act", (says the Bishop of London, in his
evidence before the Mortmain Committee,) "has been relaxed
to a more considerable extent in favour of the Church than
people are generally aware of. It is competent to any person
to convey land or give money to the Governors of Queen Anne's
Bounty, not merely for their general purposes, but for the
augmentation of any particular benefice. So that in fact a
great deal may be done by persons who go the right way to
work, either by augmenting insufficiently endowed benefices or
otherwise."*

Mr. Hodgson, the Secretary to Queen Anne's Bounty, was
also examined before that Committee.

"Will you state," he is asked, "what are the real facilities
under the Act 43 Geo. 3, c. 107, excepting Queen Anne's
Bounty, from the operation of the 1 Geo. 2, c. 36, for granting
all property for the purposes of the Church?"

Answer—"All such property may be given or devised to the

* Report, p. 82.

Governors of Queen Anne's Bounty without any restriction arising from the 9 Geo. 2, c. 36. There are no practical difficulties in the way of people disposed to bequeath or devise real property to the Governors for such purposes."*

This may suffice to show how very different the law as it relates to the Protestant clergy of England is from that provided by these sections for the Catholic clergy of Ireland. The facilities also, under the Church Building, Act 3 & 4 Vict. c. 60, and previous statutes for endowing Churches or granting land for Church purposes, exempt from the provisions the Statutes of Mortmain, are most extensive Bequests *by will*, for building, repairing, or otherwise providing of Churches and Chapels in England and Ireland, are, indeed, by the 43 Geo. 3, c. 108, restrained, unless such will be executed three calendar months before the death of the donor or testator, but it would be a mere mockery to pretend that the two religions are for these purposes in either country placed upon the same footing. The means of one Church are permanent, and, under recent Acts of Parliament, abundant—of the other miserable and precarious in the extreme.

Again,—from the operation of the 9 Geo. 2, c. 36, the two Universities of Oxford and Cambridge, and all the colleges or houses of learning connected with them, as well as the Colleges of Eton, Winchester, and Westminster are expressly excepted. These are the nurseries of the ministers of the Established Church, the objects of the parental care and protection of the State. In the dioceses of Armagh, Clogher, Down and Connor, Kilmore, Meath, Dublin, Kildare and Leighlin, Ossory, Ferns, Cashel, Tuam, Achonry, and probably others, there are Catholic colleges established under the inspection and superintendence of the Bishops and their Clergy, for the education of the youth of Ireland, in which the system of studies comprises the usual course of classical and mathematical learning, modern languages, natural and moral

* Report, p. 181.

philosophy and divinity, taught, as far as my observation on ^{Sections 15,}
rather a limited scale here in England, and to some extent also ^{16.}
in Ireland, enables me to judge, in a mode which would render
the scholars of those establishments quite adequate to a compe-
tition with the ordinary run of such *alumni* of their more favoured
sisters, as it has been my good fortune to meet. All such insti-
tutions are in legal intendment comprised under the word
Charities, in this Act of Parliament. Why are they all clasped
in the destructive hug of these generous benefactors? Because
they still cling to the insane delusion of weaning the Irish
people from their religion. In the sure and certain hope that
it will please God at length to bless their pious efforts in His
service, their system is to keep their own Church in a state of
perfect efficiency, to eradicate in each locality the more shocking
deformities which, until lately, made her hideous and detestable,
to economise and render available all her resources, while they
stint, and starve the exertions of the Catholic Establishment.
Accordingly having learnt that property to the amount of
35,000*l.*, had been left to one Catholic Bishop, for purposes of
religion or education—this Bill is forthwith brought in to
prevent the growth of so alarming an evil.*

By the law of Scotland, if a person ill of the disease of
which he died has executed a deed, conveying or burdening
his heritable estate to the prejudice of his heir, he is presumed
to have acted under the undue influence of importunity, and
the heir may have redress. It is essential to the operation of
this law of deathbed incapacity as opposed to what is known by
the name of *liege poustie*, that the deceased should at the date
of the deed have been ill of the disease of which he died. If
cut off by an accident occurring after its execution, the deed
cannot be reduced. In opposition to the presumption of
weakness, and in support of the contrary presumption of com-
petent strength to resist importunity, two tests have been
established—survivance during sixty days, and going to Kirk

* See Lord Wharncliffe's Speech in the House of Lords on the second reading.

or market unsupported; and it is "enacted that it shall be" sufficient exception to exclude the reason of deathbed as to all bonds, dispositions, contracts, or other rights that shall be made and granted by any person after the contracting of sickness, that the person live for the space of threescore days after the making and granting of said deeds, albeit during that time he did not go to Kirk or market: provided always, that such deeds may be reduced if it shall be alleged and proven that the person was so afflicted by the disease at the time of the doing of the said deeds that he was not of sound judgment and understanding.*

This is the extent of the restriction imposed by law upon Bequests of property to charitable or other purposes† in Scotland; and this law by the express provision of the 2 & 3 Wm. 4, c. 115, by which the Catholics of Great Britain are placed in the same position in respect of their charities, as the Protestant Dissenters under the 9 Geo. 2, is preserved to the Catholics of Scotland.

When reduced therefore to its simplest expression, the consolation which his Grace the Archbishop offers to the Clergy and Laity of his Diocese, amounts to this—" You are not now in a worse position than the Protestant Dissenters and Catholics of England, bodies who like yourselves, until lately, have been the objects of unrelenting persecution and restraint. The Charities of the Established Church of England,—of all classes in Scotland, even Roman Catholics, are deemed worthy of more indulgence—but indulgence is not for you—wherefore, take exhortation, have peace, and be of one mind." *O passi graviora Deus dabit his quoque finem.*

I collect, from the resolutions passed at some recent public meetings, that an impression exists in Ireland, that the sixteenth

* 1696, c. 4. 10 Acta Part. 33. Bell's Principles of the Law of Scotland, p. 647.

† See the evidence of the Lord Advocate before the Mortmain Committee, p. 136.

section was enacted in a spirit of deliberate insult to the ^{Sections 15, 16.} Catholic clergy of Ireland. Nothing, to be sure, much more imbecile can well be imagined, than innocence of a suspicion that such an enactment would give offence, but I do not suppose that any affront was intended. Those who have not witnessed it can scarcely conceive the ignorance of persons in England, otherwise well informed, of the tenets, opinions, and religious practices of Roman Catholics. The religions of Zoroaster and of Confucius are almost as well understood. I should rather think it was taken for granted, that the large amount of Catholic Bequests and Donations for charitable purposes—which were discovered by the researches of Government, must have been the produce of priestly extortion at the deathbeds of the languishing and the dying.

"In our Church," says the Bishop of London, in his evidence before the Mortmain Committee,* "there is no danger of such abuses, it merely instructs the clergyman, when visiting a dying man, to exhort him to settle his worldly affairs, *and be liberal to the poor*. But it is otherwise with the Church of Rome, which, according to Thomassinus, holds, that there are three most convenient modes of washing out the stains of sin; alms, prayers, and fasting, and that it is reasonable that one of these fountains should flow abundantly, when the others fail and are dried up."

All seems yellow to the jaundiced eye. I am not acquainted with the writings of Thomassinus, or the degree of authority they have in the Catholic Church. But the real meaning of these words, if they apply to deathbeds at all, would appear to be, that when the hour approaches after which the dying sinner can neither fast nor pray, he should, if he have the means, "*be liberal to the poor*." The Bishop, though he had carefully translated the passage from the Latin, understood it otherwise.

"I may add," said his Lordship, "that I have been informed on an authority which I believe to be credible, that an eminent

* p. 85.

Roman Catholic of the present day, in England, said, that if the Mortmain Act was repealed, he would require no other measure in favour of the Roman Catholic Church."

"Do not you think," he is asked, "that the fear of creating scandal, and also of creating a jealousy against the Roman Catholic Church itself, would act as a strong check against any member of that Church abusing the power which such liberty would give to them?" "They will hold it," answered his Lordship, "anything but a scandal."^{*} This cool conviction of the habitual abuse by our clergy of the influence of their ministry to the undue enrichment of themselves and their Church, was probably shared by the framers of this Act. Their primary object was to cripple the resources of the Catholic Church. In the avidity of its pursuit, it never occurred to them that the Catholic Laity would object to an enactment applying a remedy to an evil deemed, without inquiry, to have been long notorious.

With the assistance, however, of a Catholic member, and after examining several witnesses, Protestants and Catholics, respecting the practice of the Catholic Church in these countries and abroad, the Committee arrived at a clear conviction that the calumny was groundless, and on the 24th of July, about a fortnight before this Act received the Royal assent, reported accordingly to the House of Commons.

From what has been said, it is plain that this restriction was not imposed on Charitable Bequests in Ireland, for the purpose of assimilating the law of that country to the law on the same subject in England or in Scotland. If on the ground of proved abuses, such as are recited in the preamble of the 9 Geo. 2, c. 36, it had been considered expedient, as a measure of general policy, to adopt the Scotch law of Deathbed—for the law of the United Kingdom respecting Charitable Donations and Bequests—or if security had been taken, by requiring the presence of a magistrate, or a Commissioner appointed by the superior Courts, that a languishing and dying man was in

* p. 86.

the possession of a sound and disposing mind at the time that Sections 17,
 he executed a deed by which bequests of property were made
 to charitable or religious uses—the Catholics of Ireland would
 not have so much reason to complain. But this clause is a special
 restriction upon them, the less endurable, because the tendency
 of public opinion in England, of late years, has been to narrow,
 rather than extend, the operation of the Laws of Mortmain.

XVII. And be it enacted, That it shall not be lawful for any Archbishops,
 such archbishop, bishop, or person in holy orders of the church of Rome to alien
 or demise
 whatever such lands, tenements, or hereditaments, or any part thereof
 enjoyed by
 thereof, or in any manner whatever to charge or encumber the same under
 this act.
 all charges and incumbrances upon such lands, tenements, and
 hereditaments, or other property, and all conveyances, gifts, grants,
 demises, or sub-demises of the same or any part thereof, made or
 to be made by any such archbishop, bishop, or other person in
 holy orders of the church of Rome, shall be absolutely void :
 provided always, that it shall and may be lawful for the said
 archbishop, bishop, or other person in holy orders of the Church of
 Rome to execute such leases as hereinafter are mentioned.

XVIII. And be it enacted, That it shall and may be lawful for Commissioners
 of charitable
 Ireland, from time to time, by deed under the common seal of the
 may lease said
 said commissioners, to demise or lease the said lands, tenements,
 lands, &c. with
 or hereditaments, or any part thereof, by and with the consent of
 consent of
 the said archbishop, bishop, or other person in holy orders of the
 archbishop, &c.
 Church of
 Rome.
 Church of Rome, or those who respectively shall succeed them as
 aforesaid, testified by his or their being a party to and executing
 such lease, for any term not exceeding twenty-one years, unless on
 building lease, in which case such lease may be granted for any
 term not exceeding one hundred years : Provided always, that the
 said lease shall take effect in possession, and not in reversion or by
 way of future interest, and that there be made payable during the
 estate or interest thereby created the best yearly rent that can be
 reasonably obtained for the same, without any fine, premium, or
 foregilt for the making thereof being paid or payable to the said
 commissioners, or to the said archbishop, bishop, or other person

Charitable Donations and Bequests' Act,

in holy orders of the Church of Rome; and provided that there be contained in every such demise or lease a covenant for the payment of the rent thereby reserved, and a condition for re-entry on non-payment of the rent or any part thereof for twenty-one days next after the same shall become due, and so that the lessee or lessees therein named do execute a counterpart of the said demise or lease, and be not in any manner made dispusniable for committing waste.

By these sections, the policy of the Government, disclosed by the two former ones, is very effectually carried out. Having first imposed restrictions on Donations and Bequests for Catholic Charitable Uses, so stringent as certainly to restrain within narrow limits, their future increase; the next point was to deprive those for whose benefit they were intended, of all the influence which is naturally attached to the ownership and possession of land. If there had been a really sincere intention of encouraging a higher estimation of the Bishops and Priests of the Catholic Church of Ireland, on the part of those who have hitherto been taught to look down upon them as persons, exercising functions, and assuming jurisdiction unknown to the laws—this contrivance for augmenting by their property the patronage of the Government, had never been thought of. If, for example, the Commissioners should have property bequeathed to them for building and furnishing the Cathedral of Longford, the Bishop of Ardagh would have no right to direct the application of the bequest, or to enter into contracts for that purpose. All this will be the business of the Board, or rather of the Secretary from Whitehall. If, again, an Archbishop, Bishop, or Priest, should venture as an elector, to take any prominent part in the constitutional struggles of his countrymen, and thereby be the means of thwarting or defeating a candidate supported by the Government—nothing so easy as to select tenants for lands devised to the Commissioners, in trust for him and his successors—among those, who make no scruple of treating his person and his sacred office

with contempt and derision. The leases executed by the Commissioners must be countersigned by him, under the penalty of leaving the land from which his income is derived, unproductive; he is to have none of the rights or powers of a landlord. If the rent be in arrear, he cannot enter nor distrain, nor do anything but memorialize the Dublin Board. He will not have the power of encouraging improvements, by a liberal treatment of deserving occupiers, or of showing mercy and forbearance to industrious tenants, overtaken by unforeseen distress. In fine, not he, but the Government Board—the Commissioners appointed during pleasure—the Secretary selected and paid by the Treasury, will have and exercise all the weight and influence, direct and indirect, which attaches to the property of his Church. The signature of leases by him, under such circumstances, must soon become an annoyance—a form of no other significance than to remind him and others, that he is a mere Stipendiary, not indeed of the Crown, but of persons appointed by the Crown, and removable at its pleasure. It is not indeed very clear, whether, without the consent of the Board, an Archbishop or Bishop may live in a house devised for his special use and occupation. The course, I presume, will be, that the Lord Lieutenant will appoint collectors in the different districts or divisions (the word "diocese," is carefully excluded from the Act of Parliament), to collect the revenues of the Catholic Church, in the same way as the Land Tax and the Assessed Taxes are collected in England. In course of time, it may perhaps be thought advisable, (as the expenses are to come from the Consolidated Fund), that the Poor Rate, Bishops' Rent, and Priests' Rent, should, for economy's sake, be collected at the same time, and by the same persons; so that one may help the popularity of the other, and all be alike palatable or hateful to the people.

XIX. And be it enacted, That from and after the commencement of this act the vicar-general or his surrogate, and the ^{Vicar general and registrar of Prerogative}

Court to make return to commissioners of charitable donations, &c. of every charitable donation contained in any will entered in the office of such vicar general, &c. registrar of the Prerogative Court, shall make a return upon oath to the Commissioners of Charitable Donations and Bequests for Ireland, between the first day of July and the first day of November in every year, of every charitable devise or bequest contained in any will which shall be entered in the office of such vicar-general, surrogate, or registrar, which return shall likewise contain the name of the testator, the name or names of the person or persons to whom probate of any such will, or letters of administration with such will annexed, shall be granted, with the date of such will, probate, or administration ; which return shall be lodged with one of the secretaries of the said commissioners ; and every such officer as aforesaid who shall neglect to make such return as aforesaid shall forfeit the sum of five pounds sterling, to be recovered by any person who shall sue for the same by civil bill ; and the person or persons to whom the probate of any such will or letters of administration as aforesaid shall be granted shall, within three calendar months next after obtaining the same, publish in the *Dublin Gazette*, three times successively, every charitable devise or bequest contained in such will, the name of the testator and date of such will or codicil, and the name of the person or persons to whom such charitable devise or bequest is given and bequeathed, and the name of the person or persons appointed by the testator for the management and direction thereof ; and the expense of such publication shall be paid by the said executors or administrators out of the said respective charities ; and every such person or persons who shall neglect to publish the same in manner herein required shall forfeit for every such neglect the sum of five pounds sterling, to be recovered by any person who shall sue for the same, by any action of debt, bill, plaint, or information, in any of Her Majesty's Courts of record.

Accounts of the commissioners to be audited by chief or second remembrancer of the Exchequer in Ireland ;

XX. And be it enacted, That the accounts of the said commissioners of the sums passing through their hands arising from charitable donations and bequests shall, from and after the commencement of this act, be from time to time audited and declared by the chief remembrancer or second remembrancer of the Court of Exchequer in Ireland ; and that the said Commissioners of Charitable Donations and Bequests in Ireland shall cause the said accounts to be made out in such form as the said chief or second remembrancer shall direct, and shall send the same to him, with proper vouchers for their receipts and payments ; and the said

chief remembrancer or second remembrancer, after examining Sections 21,
each account rendered to him as aforesaid, with the documents
annexed thereto, shall settle and declare the same, and shall lodge
such account, when so settled and declared, with the clerks of her
Majesty's Privy Council in Ireland, who shall send one copy
thereof to the said Commissioners of Charitable Donations and
Bequests for Ireland, and keep one other copy thereof in the Privy
Council Office in Ireland.

XXI. And be it enacted, That it shall be lawful for the said chief remembrancer or second remembrancer to call before him and examine on oath any person whom he may deem it necessary to examine on the matter of such accounts ; and every person who on such examination on oath shall wilfully make any false statement shall be deemed guilty of perjury.

These sections do not appear to require any particular observations.

XXII. And be it enacted, That this Act shall commence from and after the first day of January one thousand eight hundred and forty-five ; and that nothing herein contained shall be taken to avoid or render unlawful any donation, devise, or bequest which but for this act would be lawful, except as to the time within which the deed, will, or instrument containing such donation, devise, or bequest for pious or charitable uses is hereinbefore required to be executed and registered.

It will be observed from this section, and from section 15, that numerous objects to which the term Charitable donation, in its legal sense, applies, though subjected to the restrictions, are not in any respect assisted by the provisions of this Act.

Bequests of land or money for the endowment of Hospitals, Colleges, Establishments of females bound by religious vows, of which there are, I believe, about fifty in Ireland, mostly Sisters of the Orders of Mercy or of Charity : for Orphan societies, of which there are twenty in Dublin alone, providing on an average for seven or eight hundred poor orphan children : for Asylums for aged men and women : for Asylums for female

Charitable Donations and Bequests' Act,

penitents, of which there are six in the same city, under the care of those exemplary ladies, who, of all mankind, seem the only persons who imitate to the letter the great example of which we are reminded by the venerable Archbishop, having no object in this world but to "go about doing good," are subjected to the restrictions, but not helped by the enabling section of this Act. Surely all these societies would, in the estimation of a paternal Government, sincerely anxious for the "effectual application of Charitable Donations and Bequests in Ireland," be as worthy of favour and immunity as the Corporation of the Sons of the Clergy; Bedlam Hospital; the Foundling Hospital; the London Hospital; the Magdalen Hospital; the Bath Infirmary; the Royal Naval Asylum; the British Museum; County Lunatic Asylums; Greenwich Hospital; the Seamens' Hospital; St. George's Hospital; all which excellent institutions have been exempted from the operation of the Mortmain Acts.* I ask, rather in sorrow than in reproach, how it happens, that sixteen years after the avowed alteration of the policy of the laws respecting Catholics by the Catholic Relief Bill, this injustice should still continue? But the Bishop of London will supply the answer. "The policy of the Government respecting Roman Catholics in matters which may in any way assist the propagation of their principles is essentially" restrictive and "defensive."† Their religion is still proscribed. The strength, the wealth, the peace, happiness, union of the British Empire, are all endangered, because our rulers will not believe the great principle laid down more than fifty years ago for their guidance, by the first and ablest expounder of Conservative principles, Edmund Burke, "*The Catholic Institutions of Ireland must be cherished as a good, and not tolerated as an inevitable evil.*"

With respect to the regular clergy, it is really painful for a Catholic to advert to their legal position. On some verbal assurances, probably very sincerely given at the time, that the

* Boyle's Law of Charities, Book 2, Chap. 2.

† Report of the Mortmain Committee, p. 87.

letter of the law would not be executed to their vexation, we ^{Sections 21,}
^{22.} consented, in the delirium of our own Emancipation, to their sacrifice. I agree (if I may be allowed to say so,) with the Irish Law Officers of the Crown, that this new Act adds nothing to the penalties already imposed upon them. It would not be easy to add anything to those restrictions. As to everything else, there are limits to the ingenuity of Legislative proscription. I venture, however, respectfully, to submit that if Charitable Bequests were left by a pious testator, to the Commissioners appointed by this Act, in trust for the Provincials, Priors, or Guardians of the Convents in John-street, Whitefriar's-street, Clarendon-street, Church-street, Denmark-street, Merchants' Quay, Upper Gardner-street, all in the diocese of Archbishop Murray, it would be his duty to inform the Board of the nature of those establishments, and to advise them not to carry the Bequests into effect. It matters very little whether the suit by which the intention of a testator is frustrated be instituted in the name of the Attorney-General or under the 12th section in the name of Dr. Murray and his new colleagues. In the case of the *Attorney-General v. Power*, 1 Ball and Beattie, 145, and in another case before Lord Manners, in 1823,* the Attorney-General filed his information at the relation of the Commissioners whom Archbishops Crotty and Murray have condescended to succeed. The option of being a plaintiff or a relator is but a sorry alternative.

Having thus very frankly stated what appears to me to be the view which the Catholics of Ireland should take of this important statute, perhaps I may be pardoned for adverting to the general topics relating to Legislation for Religious purposes in Ireland which are connected with it. It may be asked, what is meant by complaining that Catholic Establishments and institutions are excluded from the Conservative policy of the State? Do you advocate two established Churches one protesting against the other, both to be secured by law in co-ordinate rank, dignity,

* The defendant was the executor of a Mrs. Judith Rush. The bequest was of money "for Masses for her soul's sake."

Charitable Donations and Bequests' Act,

The Parliament and the Queen of the United Kingdom, have now for the first time since the Reformation, made respectful mention of the National Church of Ireland, and *professed* an interest in the erection and support of Places of Catholic Worship. The concession is, in itself, of little value, but if carried out to its legitimate consequences, it would be productive of important results.

It appears from the Reports laid before Parliament by the Ecclesiastical Commissioners of Ireland, that since the 3 & 4 Wm. 4, c. 37, came into operation, the following amounts of public money have been expended on the building, rebuilding, repairs, expenses of Divine Worship, Bibles and prayer books, for the Churches in which at most 500,000 of a Population of Seven Millions, worship :*—

	£	s.	d.
1835	-	-	50,022 6 9
1836	-	-	88,693 3 10
1837	-	-	98,766 16 2
1838	-	-	92,044 6 3
1839	-	-	100,942 18 6
1840	-	-	86,437 13 11
1841	-	-	78,996 10 4
1842	-	-	76,011 15 9
1843	-	-	69,769 15 10

Not far short of a million sterling spent during the last ten years, upon Churches and Chapels which the people of Ireland *will not enter*, besides 10,000*l.* per annum for salaries to Commissioners, Secretaries, Solicitors, Treasurers, and Clerks, employed in the collection and expenditure of that sum, and to be employed in like manner and at the like cost, in disposing

* It appears by the Report for the year ending August, 1843, that since the establishment of the Board, besides extensive repairs to all the Churches of Ireland, seventy-eight Churches have been entirely rebuilt, and forty-eight considerably enlarged. Any one who will take the trouble to purchase these Reports, at the moderate price of one penny each, will be much gratified by the comfortable condition of the Protestant Church of Ireland.

of another million, for the ten years next to come. These funds are derived partly from graduated rates upon all benefices exceeding in value 300*l.* per annum,—partly from the See, houses, and lands of the suppressed Bishopricks of Dromore, Raphoe, Clogher, Elphin, Killala, Clonsert, Kildare, Ossory, Waterford, and Cork, and partly from the Revenues of about sixty dignities, without cure of souls, and benefices in which divine service had not been celebrated for three years next preceding February, 1833, and which have vested in the Commissioners on the death of their incumbents.

That this enormous income can be required for the support of the fabrics of Churches in which the richest classes of the community worship, or for the expenses of divine service in them, no one who knows anything of Ireland can believe. If you really wish to deserve gratitude—not to tolerate only but to cherish the Catholic Establishment,—make over some large proportion of this Revenue to a new Corporation, composed of the Bishops, the Clergy, and Laity of the Roman Catholic Church. Call them, if you please, the “Governors of the Bounty of Queen Victoria.” Let it be their duty, without fee or reward, to employ the funds placed at their disposal in the building, rebuilding, repairing, and furnishing the Churches and Chapels which are now supported by funds, earned by the hard hands of an honest, religious, but justly dissatisfied, peasantry. The State takes no concern in this important matter. The Chapels consequently (I do not here speak of large towns, but in country districts) are mere shells, with patched roofs and earthen floors, damp, dirty, unfurnished places, in which an Englishman cannot see any form of Christian worship celebrated, without a sense of shame, disgust, and indignation. Remembering the prodigality with which the wealth and taste of Catholic nations has, in all ages, been lavished on the temples of religion, the pomp and splendour of the Catholic worship, and the desperate fidelity with which the Irish people, during the long night of proscription and persecution, have adhered to the faith

of their fathers, can we doubt that a generous desire on the part of their Protestant fellow subjects in England and Ireland to alleviate the heavy burthen of their voluntary Church-rates, would be met in a spirit of grateful acknowledgment for present kindness of cordial forgetfulness of past injustice? Surely the possessors of three-fourths of the landed property of Ireland could, without any great effort of liberality, contribute something, should need be of it, to sustain and uphold, to light, warm, and decorate, for their own families and servants—the Churches which the Commissioners have now placed in a state of substantial, and, in most cases, ornamental repair.

The rent-charge paid to a great extent by Catholics Farmers would thus become in some sense a Catholic, and not an exclusively Protestant tax. There would arise in every parish, in the shape of a decent Catholic Chapel, a monument of Protestant regret for Protestant injustice and persecution. As material prosperity increased, the wealth of thankful worshippers would be employed, in the lavish bestowal of the treasures of art and of manufacture to gratify their zeal and love for the beauty of the house of Prayer. Increased civilisation, improved manners, peace and happiness, and even security for the Church of the State, in all its essential usefulness, would, as surely as the night follows the day, be the early rewards of your generosity and your justice. Would not this be better than expecting figs from thistles—or grapes from thorns, as you have done hitherto? You are dealing with a Catholic people—treat them as a Catholic people. Another Knatchbull mutiny (if that still be a name to conjure with) might possibly be got up in England on the announcement of a change like this. One or two distinguished persons, who have registered their resolves that the Irish Church shall be maintained, as it now is, “in all its integrity to the last,” might chaunt their Jeremiads to the House, as Sir Charles Wetherell did in 1829, or my brother Jackson, the other day; and minor men, who, in the hope

of attracting some slight respect for their persons, have hitherto pretended to be Bigots, might offer up supplications for the safety!—of this Protestant State. But what would it all signify in the estimation of a Minister fit to sway the rod of a glorious Empire when compared with the new-born hope, the cheerful loyalty, the exulting gratitude of the Catholics of Ireland?

Nor am I at all sure that these first, most precious fruits of paternal government, would be confined to the Catholic people. My own observation certainly leaves me little reason to doubt of the increased kindness to Catholic interests and institutions of the Protestant gentry and middle classes of Ireland. Twenty years ago, the late Catholic Archbishop of Tuam informed a Committee of the House of Commons, that out of one hundred and six places of Catholic worship in his Archdiocese, nearly one hundred were thatched, only fifteen to eighteen slated, that he had no funds whatever applicable to their improvement, except the voluntary contributions of the faithful, of the Bishops and clergy, and the aid received by them from their Protestant brethren and neighbours. His Grace added, that having frequently taken part in the collection, *he did not recollect any instance of being refused by a Protestant gentleman when he applied to him to contribute towards a Chapel.*

Such a reform, in conjunction with other measures analogous to those by which, as we have seen, the charitable endowments of England, are fostered and protected, would be my idea of the commencement of a policy, conservative, of the Catholic interests and institutions of the people of Ireland.

In no quarter, however, Protestant or Catholic, Whig or Tory, has the possibility of such a change been thought of. Disputes with other nations may be adjusted, but with Ireland our battles must be fought out. It is assumed, on all occasions, as a fixed principle of policy, that the Churches, the Colleges, the public Charities of the great majority of

Charitable Donations and Bequests' Act,

that people are to receive no assistance or encouragement from the State. Indeed, their own hopes have not yet aspired (such is the benumbing influence of unmerited neglect,) to more than a permission to defray the charges of such Establishments out of their own means, and to secure the due and permanent appropriation of their money, for the fulfilment of their benevolent intentions. The question is, how that may best be done, and this leads us at once to consider whether there really were, any valid and substantial objections to the Bill which Mr. O'Connell introduced, and which this unfortunate measure has superseded.

After reciting that any real or personal estate might now lawfully be conveyed to any persons in trust for Roman Catholic Archbishops, Bishops, and Priests of any district or of any parish in Ireland for the time being, and that the intervention of trustees in such conveyances had been productive of inconvenience and insecurity, Mr. O'Connell proposed to enact, that every Roman Catholic Archbishop, Bishop, or Priest of any district or parish in Ireland, for the time being, should by the name or description of Roman Catholic Archbishop, Bishop, or Priest of such district or parish, be for the purposes of that Act, a body politic and corporate, and have perpetual succession, and might receive and take to him and his successors any real or personal estate or effects whatsoever which any person or persons, or bodies corporate, might give or grant to him by deed or otherwise, according to law.*

It then provided that the Roman Catholic visitors of Maynooth should keep a book at that College, in which an entry should be made of the name of every Archbishop or Bishop

* By 1 Geo. 1, c. 10, s. 4, the Churches, Curacies and Chapels augmented by the Governors of Queen Anne's Bounty, are made from the time of such augmentations, perpetual cures and benefices; and the Ministers duly nominated and licensed thereunto and their successors are declared to be bodies politic, to have perpetual succession, and a legal capacity to take in perpetuity to them and their successors all such lands, tenements, and hereditaments as shall be granted unto, or purchased for them, by the said Governors.

of any district, the date of his appointment, and of the parishes comprised in such district, and that an authenticated copy thereof should be conclusive evidence in any Court of the facts stated therein.

The Archbishops and Bishops were also to keep a book in which an entry should be made of the name of every Parish Priest, and the date of his appointment, and it was provided that an authenticated copy thereof should be conclusive evidence in any Court of the facts therein stated.

This Bill, it will be at once observed, would have remedied all the inconveniences arising from the expense and insecurity attendant upon trust estates. It would have provided for the Catholics of Ireland a secure mode of gradually placing the Dignitaries of their Church in a position of moderate independence ; it would have secured to them that degree of influence and consideration which a life estate in probably a very small property would give—and all this without the charge of one shilling to the State, or the least semblance of encroachment on the rights and privileges secured by law to the Protestant Church Establishment. Its effect would have been to have enabled pious Catholics, by deed or will, to do at small expense, by slow degrees, and out of their own property, for their Church, what the Protestant Government of Prussia had engaged by treaty to do for its Catholic Establishment, out of the public revenues of that kingdom. I cannot help thinking that it is matter of deep regret that a measure so entirely free from objection should have been rejected. Much more is it to be lamented for the sake of the character of public men, that a Government professing a desire to conciliate their Catholic fellow-subjects should have forfeited all claim to their confidence, by imposing upon them under doubtful pretences, and without the usual safeguards of consultation and inquiry, an act so penal in its provisions, and so restrictive of their dearest and most cherished interests ; but most of all, that Archbishops and Bishops of the Catholic Church should have lent the influence of their venerated names and sacred characters to carry it into effect.

Whatever the consequences may be, it would be idle and childish to conceal that the responsibility is with them. There is no principle that I know of which can excuse the Catholic Laity from the guilt of patient submission in a matter of this vital import, to what they know to be essentially wrong. Their duty, on the contrary is, to meet, to petition, to remonstrate, to use every constitutional exertion to obtain the repeal of this Act, or at all events the resignation of the Catholic Episcopal Commissioners, and in one or other of those objects they will, with God's blessing, succeed, if they are but firm, united, and persevering.

APPENDIX.

A Bill to enable Roman Catholic Archbishops, Bishops, and Priests, in Ireland, to take Grants or Conveyances to them and their Successors, without the Intervention of Trustees.

[11th March, 1844.]

WHEREAS any real or personal estate or effects in Ireland may Preamble. now be lawfully conveyed to any person or persons in trust for the Roman Catholic Archbishop or Bishop of any district, or the Roman Catholic priest of any parish in Ireland for the time being:

And whereas the intervention of trustees in such conveyances have in some cases been productive of inconvenience and insecurity, and it is therefore expedient to authorize conveyances to be made directly to any such Archbishop or Bishop or priest as aforesaid and his successor, and to enact what shall be evidence in any of her Majesty's Courts of justice to prove who is or at any time may be or shall have been Archbishop or Bishop or priest of any such district or parish as aforesaid;

Be it therefore enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that every Roman Catholic Archbishop, Bishop or Priest of any district or parish in Ireland for the time being shall, by the name or description of Roman Catholic Archbishop, Bishop or Priest of such district or parish, be, for the purposes of this Act, a body politic and corporate, and shall have perpetual succession, and may receive and take to him and his successors any real or personal estate or effects whatsoever which any person or persons or body corporate may give or grant to him by deed or otherwise according to law.

And whereas by an Act passed by the Parliament of Ireland in the fortieth year of the reign of his late Majesty George the third, intituled, "An Act for the better Government of the Seminary established at Maynooth, for the Education of Persons professing the Roman Catholic Religion, and for amending the Laws now in force respecting the said Seminary," after reciting that a college or seminary had been established at Maynooth for the purpose aforesaid, it is, amongst other things, enacted, "that there shall be a continual succession of three fit and proper persons professing the Roman Catholic religion as Visitors of the said College:" be it enacted, that the Roman Catholic visitors of the said college for the time being shall cause a book to be kept at the said college by the secretary of the trustees thereof, in which an entry shall be made according to the form given in Schedule (A.) hereto annexed, of the name of every person who now is, or at any time hereafter shall be, appointed Roman Catholic Archbishop or Bishop of any such district as aforesaid, and of the time from which such appointment hath or shall have taken effect, and of the parishes

Roman Catholic Archbishops, Bishops, and Priests to be bodies corporate.

Book to be kept at Maynooth College for entering the names of Roman Catholic Archbishops and Bishops.

Appendix.

comprised in such district, and the same shall be signed by the said visitors, or two of them, and an authenticated copy thereof shall be conclusive evidence in any of her Majesty's said Courts of the facts stated therein.

Roman Catholic Archbishops and Bishops to keep lists of Roman Catholic priests.

And be it enacted, that the Roman Catholic Archbishop, or Bishop of any such district as aforesaid, shall keep a book in which he shall make an entry of the name of every person who now is, or at any time hereafter shall be, Roman Catholic priest of any parish comprised therein, and such entry shall be according to the form given in Schedule (B.) to this Act annexed, and shall be signed by the Archbishop or Bishop making the same; and an authenticated copy thereof shall be conclusive evidence in any of her Majesty's said Courts of the facts stated therein.

Meaning of the term "parish."

And be it enacted, that the word "parish" in this Act shall be held to mean any district which is or may be a parish, according to the ecclesiastical division of the Roman Catholic Church in Ireland.

Act may be altered during present session.

And be it enacted, that this act may be amended or repealed by any Act to be passed in this present session of Parliament.

SCHEDULES to which the foregoing Act refers.

Schedule (A.)

Be it remembered, that the [Most Reverend Daniel Murray, D.D.] hath been duly appointed, and now is, Roman Catholic [Archbishop] of the district of [Dublin,] and that such appointment hath taken effect from the [] day of [], and that the said district comprises the following parishes; that is to say, [here insert the names of the parishes comprised in the district.]

Witness our hands this [] day of [].

[] } Roman Catholic Visitors
[] } of Maynooth.
[] }

The parts between brackets in this Schedule to be filled up, as the case may be.

Schedule (B.)

Be it remembered, that the reverend [] hath been duly appointed, and now is, Roman Catholic Priest of the parish of [] in the district of [Dublin,] and that such appointment hath taken effect from the [] day of [].

Witness my hand this [] day of [].

[] Roman Catholic [Archbishop].

The parts between brackets in this Schedule to be filled up, as the case may be.

LONDON:

PRINTED BY RAYNER AND HODGES,
109, Fetter Lane, Fleet Street.

LAW OF SETTLEMENT.

A LETTER

TO THE RIGHT HON. SIR JAMES GRAHAM, BART.,

ON HIS SPEECH DELIVERED IN THE HOUSE OF COMMONS, FEBRUARY 12, 1845,
ON BRINGING IN A BILL TO AMEND AND CONSOLIDATE THE LAWS RELATING TO
PAROCHIAL SETTLEMENT, AND REMOVAL OF THE POOR:

WITH REASONS FOR THE ENTIRE ABOLITION OF THE LAW OF
SETTLEMENT.

BY

MEABURN STANILAND,
SOLICITOR.

LONDON:—SIMPKIN, MARSHALL AND CO.

BOSTON:—JOHN NOBLE.

Price Three-pence; Post Free, Four-pence.

1845.

"Country than in England, to "clear" Estates. This would have the effect "of driving the rural population from their peaceful hamlets, their small "gardens and little possessions, into the towns and more congregated masses "of the labouring community. I cannot state the objections more clearly "and forcibly than by reading to the house one of the Memorials I have re- "ceived. I might select many of the statements which have been made "against this first part of the measure laid on the table last Session; but I "may be permitted for the sake of brevity and clearness, to read a Memorial "from Thetford Union, in the County of Norfolk; it was as follows:—The "Memorial of the Board of Guardians of the Thetford Union, in the Coun- "ties of Norfolk and Suffolk, sheweth:—that your Memorialists beg most re- "spectfully to express their unanimous dissent from the proposed alteration "in the Law of Settlement; more especially those clauses which relate to "Settlement by birth and irremovability of persons after five years' residence. "That with regard to Settlement by Birth, your Memorialists are of opinion "it would be a great inducement to the Owners of the entire or the princi- "pal part of Parishes, to clear them as much as possible, by purchasing or "building Cottages in adjoining Towns and more open Parishes, where the "Poor would be compelled to reside, and where of course, their Children "would be born, thus relieving their own Parishes at the expense of others."

That such would be the effect of the change you propose, appears to have been pressed on you from many quarters, and with great clearness in the Memorial from the Guardians of the Thetford Union.

Hitherto the place of birth of a labourer's child, has not been considered by those interested in preventing the acquiring of Settlements,—the proprietor, or the large rate-payer,—a matter of much moment. The parents, usually young and vigorous, whilst their children are small, have generally (if in work) prevented them being a charge on the Parish, if not altogether, at least to any considerable amount, and the children as they have grown up have dispersed and gained Settlements elsewhere, the boys by apprenticeship or rent- ing a tenement, and the girls in the same manner or by marriage.

Annihilate however all other Settlements than those conferred by *birth* what will then be the consequence? the Children of a Labourer if I may be allowed the Irishism, will become objects of anxiety to the rate payers, not on their,—but on his account before they are born, and in Agricultural Parishes belonging chiefly to few proprietors, the inducement to pull down Cottages would be too strong to be resisted, and that terrible system of "clearing" Estates so aptly described by you would prevail, and that to a fearful extent. The young married labourer would be driven from the place of his employ- ment, "from his peaceful hamlet, his small garden, and little possession," to the nearest village or market town, where the careful rate-payer, either did not from the small amount of his rate feel any interest in preventing.—or from the number of Houses could not exercise any influence to prevent him ob- taining a Cottage, wherein to rest his weary limbs, and shelter his luckless offspring.

The evils which would arise from your proposed change are incalculable—the little sympathy which now remains between the labourer and his employer, arising from their residence in the same Parish, would be destroyed; the primitive habits of the labourer would be changed, his going to and return- ing from his labour, would add so much to his daily toil, and the positive certainty, that in the place of his birth, the place dear to him from early re- collections and associations, where after a long spent life of industry, he might

hope to repose and die—could he never again find an asylum—would but deaden the spirit within him and make him feel more keenly than at present, his unprotected, unpitied, and degraded condition.

Some may perhaps imagine that the picture I have drawn is overcharged—that such results would not follow the change you propose—that human nature is libelled in my remarks—that rate-payers or proprietors so selfish as those I have described, could not be found. Let those who doubt the accuracy of my predictions, look to what has been done to relieve Parishes of Paupers under the existing Poor Laws, where the inducement has been far less than that your bill holds out, and then let them say whether I be justified in my conclusions.

How often has it happened that, to avoid the charge of maintaining even *one* illegitimate child—the Overseer of the Parish in which the enciente mother resided, with a total disregard of the consequences of his proceedings on the unfortunate woman, has paid a trifling reward to a Pauper settled in another Parish to marry her, or failing in his purpose, has clandestinely removed her on the eve of confinement into some other Parish? How often that premiums have been paid with poor children to get them apprenticed to persons settled in other Parishes, without due regard to the comforts or future prospects of the children, merely to avoid the charge of further supporting them? How often indeed have the Laws of humanity been in various ways outraged to relieve the Parish of some small liability, and then I would ask you Sir James, whether when you offer as you do to the Proprietor or Occupier in Agricultural districts, a reward so tempting for the depopulation of his Parish, as the entire exemption of his Estate from Poors' Rates, he would not gladly avail himself of the proffered boon, and ease his conscience with the reflection that he did that only, which the Law permitted, and which his neighbours practised.

That you anticipate such results, and with gloomy foreboding too, no one who reads your exposition of the proposed change in the Law of Settlement, can for one moment doubt; but you are desirous to make the experiment, you probably think the expected evils are not so great as those which at present exist, or that your six "checks" on removal will compensate the Poor for the change you propose: be assured Sir James, such reasoning as this is erroneous, and that however great may be the evils to the poor of the present Law of Settlement and removal, they are light indeed compared with what would be on both the Agricultural Rate-payer and Pauper, the debasing, the soul deadening influence of the alteration you seek to make in the retention of Birth Settlement only.

The injustice which your measure would inflict on Towns would be immense.—The Agricultural Labourer would occupy a class of House so small as to make his exemption from the Poor's Rate certain; and yet in the event of his inability to maintain his Children, they (being born in the Parish) would by the Parish have to be supported.

Having now pointed out my objections to this part of your measure, I will proceed to consider the remaining feature in your bill.

"UNION"—NOT "PAROCHIAL" RELIEF.

And this I admit is an approach to the system which I could wish to see adopted, and in its working will I am convinced be found advantageous to the Poor. The only argument that can be adduced against this part of your measure, is that the Rate-payers in Parishes will not feel that immediate im-

terest in employing the amount of Labour they do at present; as, if the Labourer be out of work, the "Union" and not the "Parish" will have to provide for him.

The force of this argument I wish I could feel, but I confess I am so uncharitable as to believe the instances are rare indeed, of the occupiers' employing extra labour for the mere purpose of saving the funds of the Parish. Allow however the opponents of this part of your bill, the full benefit of their argument: what are the advantages on the other side? The labourer has a more extended field for his labour—the supply of labour will be equalized throughout the Union, and should the Labourer become unable to work or to obtain employment, he has the consolation of knowing (provided he be born in the Union) that he will not be removed, as at present he may be, to some perhaps distant County, the place of his Settlement, where he would go in all probability a perfect stranger, and unable therefore to obtain employment, would be driven to the Union Workhouse.

This part of your measure I hail as a great boon to the Poor, and my only complaint against it is, that its principle is not carried farther.

As I shall however have occasion to refer hereafter to this part of your Bill, I will now at once lay before you my

PROPOSED ALTERATIONS IN THE EXISTING LAW OF SETTLEMENT.

When the Poor Laws were first established, Agriculture was the leading occupation of the Country; Manufactures were almost unknown, and our present widely spread Commerce, was but then laying its foundation in the hazardous enterprises of a few adventurous voyagers. At that period and from thence to the time of Charles the Second, the feudal tenures of the Kingdom with serfdom remained in full force, and under these Laws the labourer being attached to the soil from whence he could not depart, there seemed to be a reason why the Parish in which he resided—which had the exclusive right to his labour—from whence he could not remove—where in fact he was a fixture for life, should in cases of destitution provide for him.

The whole aspect of things has now however changed; our Manufactures and our Commerce have created a total revolution in our social condition, and instead of the Labourer being located as formerly in one spot, and engaged in one pursuit for the period of his life, his exertions are now applied in a thousand different ways, and he is constantly compelled from the fluctuations in Agriculture, Commerce, and Trade, to change his abode and frequently his occupation, to enable him the more successfully to employ his labour. Hence it follows, that any restraint on his freedom of action in this respect, is a positive injury to him, and let me ask Sir James, can the poor man in the hour of adversity (arising from either sickness or want of employment) be subject to any restraint more torturing in its anticipation, more fatal in its consequences than that arising from his possessing a "Settlement?"

Where let me enquire is the *advantage* of a Settlement to the poor Man when distressed? The mode of administering relief being uniform throughout the Country—he obtains no additional relief from the circumstance of his belonging to a particular Parish.

As to the quantum of relief therefore, whether his Settlement be in A or B is to him perfectly immaterial; and as nothing results to the poor man from a Settlement but relief, and which he must have when distressed whether his Settlement can be ascertained or not, where again I ask is the benefit he derives from possessing a Settlement? The disadvantages to him of a Set-

tlement on the other hand are at once apparent. Take the case of a man born in an Agricultural district, and who in early life quits the same for a distant Manufacturing Town, where he engages in the leading occupation of the place—he marries and has a family, and from illness becomes unable to work, or from depression in the branch of trade in which he is employed cannot obtain work; what then follows according to the existing Law?—he applies to the relieving officer for assistance, this is sparingly administered until the place of his Settlement can be discovered.—This is found to be in a distant Agricultural County, obtained, I will suppose under your proposed change by “birth;” an order is then obtained for his removal to the place of his Settlement, and in due time, there being no appeal against the order, the Man with his Wife and Family are removed to the distant Parish:—if he be in good health he is anxious to obtain employment, but the nature of the employment there, is that to which he has never been accustomed, and altho' willing to do his best, he finds others so much better skilled in the work to be performed that he is engaged at the lowest possible rate of wages, insufficient in fact to maintain his family; this is taking however rather a favourable view of the case. Suppose on his arrival at the place of his Settlement, he finds the supply of labour equal to the demand, he being an entire Stranger in the Parish, and unaccustomed to the employment of the place, can get no work at all, and nothing then is left him but the Union Workhouse, where with his Wife and Family he is compelled to go.

At this time, possibly the branch of business in which before his removal he was engaged, has again recovered from its depression; he has however no means of returning with his Family, and the Parish in which he has acquired his “Settlement,” cannot legally furnish funds for the purpose; in the Union Workhouse, then he lingers until perhaps some benevolent person steps in and supplies the means of enabling him to return with his family; after many hardships he arrives at the town of his former employment, but finds alas! that his place has been supplied by another, and he is again driven to ask for temporary assistance from the Parish, (which by the way renders him liable to punishment) until he can find employment under another master, or, sinking under the accumulation of misfortunes, he becomes indifferent to his condition, and yields to all the frightful courses engendered by despair.

This, and I appeal to Guardians and relieving Officers for the correctness of my statement, is the hard fate of the Pauper when the question of his “Settlement” arises; and to the same quarter will I appeal for the correctness of my opinion, that when once the home of the poor man is broken up—when he once has undergone the miseries attending a removal to his “Settlement,” seldom if ever does he recover his former position.

These being the results of a removal to the place of “Settlement,” it almost invariably happens, that the poor man, dreading the infliction, prefers remaining either in or near to the place of his Settlement, even at reduced wages, to searching out in other quarters where his labour would be better rewarded. The free circulation of the poor man's labour which you advocate is consequently curtailed, and out of the 1,500,000 persons now in the receipt of parochial relief, it is not an over-calculation to assume that 1,000,000 at least are suffering injustice from the Law of Settlement.

I have the satisfaction of feeling that in my view of the injurious working of the Law of Settlement you concur; for after quoting the high authority of Dr. Adam Smith, who doubts whether any poor man ever reaches the age of forty, without experiencing hardships and injustice from the Law of Settle-

tlement : you say, " he thinks, and so do I, that it is monstrous for a Poor Man to be confined as to his residence, his labour, or his rights within "the narrow limits of a Parish or a Township."

Why then do you propose Sir James to perpetuate this infliction on the working community ?—It is, true you intend to greatly reduce the chances of removal by substituting a " Union " for a " Parochial " Settlement, but why put this limit on your good intentions ? Why not entirely annihilate a system you admit in its operation to be " monstrous " and " unjust ? "

If any hardship would arise to the Rate-payer from the change I advocate, then for the same reason, is that part of your measure proposing to substitute " Union " for " Parochial " Settlement open to objection.

From the manner in which relief is now administered, there can be no inducement for the Poor under ordinary circumstances, to select one Parish in preference to another as a residence ; no hardship therefore can arise to the Rate-payer from the entire abolishment of Settlement, more than from your proposed limit of the districts for its acquirement.

That the Rate-payer would derive advantage from the abolition of Settlement is certain, and were he to do so in no other shape than in avoiding the cost of litigation, and removal which now takes place in reference to Settlements, this would be a benefit of no inconsiderable amount.

If the entire abolition of the Law of Settlement, involved the necessity of any alteration in the constitution of Unions, or in the mode of administering relief, objections might be raised to the change, but no such alterations need take place.

These then being my views, I would suggest THAT THE LAW OF SETTLEMENT SHOULD BE ENTIRELY ABOLISHED,—THAT THE POOR MAN'S NECESSITIES SHOULD BE RELIEVED ON THE SPOT WHERE THEY ARISE,—AND THAT YOUR PROPOSAL FOR MAKING ALL THE PARISHES WITHIN A UNION CONTRIBUTE TO ONE COMMON FUND, FOR RELIEVING THE POOR WITHIN SUCH UNION, ON THE AVERAGE OF THE LAST SEVEN YEARS' EXPENDITURE OF EACH PARISH SHOULD BE ADOPTED.

In times of scarcity of employment in the Agricultural districts, the labourer frequently finds his way to the nearest Market Town or populous Village in the hope of obtaining employment, in which failing to succeed, he would under my proposed abolition of Settlement, become a charge on the Town or Village. Your plan of making a "Union" instead of a "Parochial" Poors' Fund, would however prevent any inequality of charge on Parishes within such Union, and the continued vigilance of the Guardians over the expenditure of the funds would be thereby secured.

Having now Sir James submitted to you my Plan, let me venture to hope it will receive your consideration, and if I have failed to convince you, that to the Poor Man a Settlement is a curse, and to the Rate-payer no advantage ; if you still determine that the Poor Man must possess a Settlement before he can receive relief, let me then entreat you on behalf of the hundreds of thousands of poor who may yet be parents—of the millions, who will yet be born, to select some other mode of acquiring a Settlement than by the accident of birth ; and I have the honour to be, Sir James,

Your obedient humble Servant,

Boston, March 1, 1845,

M. STANILAND.

Stevens

PLAIN HINTS

ON THE

SUBJECT OF CHIMNEY-SWEEPING.

MORE than two years have passed away since the Act came into operation that has put an end to the disgraceful employment of children in sweeping chimneys, and it will be satisfactory to know that during that time no one case of real difficulty has arisen, and that nothing has occurred, tending in any way to call in question the safety of the measure, or to weaken the arguments which were brought forward in its support. The twelve years ending with the 31st December, 1844, gave an annual average of thirty-eight fires in private houses arising from foul chimneys; that is, there were 456 fires of that kind in the twelve years; and in 1845, when the Act had been in full force for more than three years, there were only twenty-five fires arising from this cause. Notwithstanding this, there are persons still to be found who maintain that the risk is increased by the use of Glass's machine.*

It was predicted that the old race of Chimney-sweepers, the men who have been living upon the labour of little children, would throw every possible impediment in the way of the immediate introduction of the machine, and this has been fully realized. It was not likely that persons who professed to see so many difficulties, and to apprehend so much danger, would all at once adapt themselves to their altered circumstances; if they had, the children might have been completely withdrawn long before, and the machine substituted in their place. If these men had been allowed their own way, not one preparatory step would have been taken, and the 1st of July,

* The above is taken from the records of the London Fire-Engine Establishment, Watling-street, and embraces London and Westminster and all the surrounding villages.

1842, would have arrived before the public was aware of it, and with it all the inconveniences and confusion arising out of a sudden change of system. Happily these selfish men were exposed, and these evil consequences prevented. Some few persons who have consulted their old Chimney-sweepers, have been induced to alter chimneys when they required no such alteration, and others have been altered at a considerable expense, where a trifling outlay would have sufficed. If any portion of the public employed ignorant men, or men opposed to the system, the results may be easily imagined; and such occurrences are too insignificant to be dwelt upon where so much good has been effected.

If any district is without an experienced mechanical Chimney-sweeper, the inhabitants should select an honest intelligent man, and send him to London or elsewhere, to be instructed in the use of the machine, or serious consequences *may* arise; and after he is taught, he should be furnished with the brushes and other tools that he will want. A clever man would acquire the necessary information in a week or ten days, at a cost in London of from twenty to thirty shillings. The Legislature did not imagine that chimneys would sweep themselves, nor was any provision made for those whose indolence is too great to admit of the slightest forethought. Parliament resolved to prohibit "live chimney-sweeping," when it was seen that every chimney in existence could be safely swept by Glass's machine with a little contrivance, and with a slight outlay of money; and those who neglect these simple precautions will make their fruitless complaints with a very ill grace.

Straight chimneys, or chimneys nearly straight, want no alteration, and will only require an intelligent operator accustomed to the use of the machine, but it is of immense importance that such an one should be selected. Some chimneys have an angle in them which prevents their being swept from the fire-place, although the same chimney may very generally be effectually done from the top. If the chimney is carried up much above the roof, so as to make it unsafe for the man to reach the chimney-pot, a soot-door in a strong iron frame, fifteen inches by twelve inches, should be placed in the chimney, about three feet above the gutter, where the man can stand safely, and through which door the machine may be

worked both up and down with perfect security, and boards two feet wide should be permanently fixed upon the roof, with ledges nailed across them after the manner of a chicken-ladder, if the man has to cross the slates.

If going to the top of the house is objected to, the same kind of soot-door, placed two feet from the angle in the horizontal part of the chimney, will overcome the difficulty. The soot-door ought not to be placed in the angle, that is, under the upright part, because in that case the soot which falls down is found to fly out unpleasantly, from having nothing to confine it. These soot-doors, should of course be placed on the outside of the house if possible, and generally this may be done; but a little care and a little ingenuity will point out a place in the inside, if necessary, and this too without danger or inconvenience. If the wall is battened, it will be desirable to cut away the laths to a greater extent than the door requires, so as to admit of common tiles being cemented round the door, and these being brought out to the surface of the wall, will be found much better, and of course much safer, than the ragged ends of the laths, and the hollowness connected with them. If the part is in sight, a double door is recommended, the inner one to confine the soot and heat, and the other to take the paint of the apartment, both being air-tight, as they will be if properly made. It sometimes happens that a chimney runs under the floor of a room; if so, this may be the most convenient place for inserting the soot-door in the solid brickwork of the chimney; and a trap-door even with the floor, will give direct access to it afterwards. It may be necessary to introduce trimmers in the joists, so as to keep the iron-work and the wood-work sufficiently apart. The space between the iron-door and the flooring-boards may also be filled with sand, if any danger is apprehended, though there can be none if the work is well executed. This kind of opening was made, many years ago, in the drawing-room floor at the Athenæum, in Pall Mall, by the obliging order of Decimus Burton, Esq.

The same arrangement has also been made at Linton Place, the seat of Earl Cornwallis, since the Act of 1840 was passed. The chimney of one of the drawing-rooms is carried horizontally over the ceiling of that handsome apartment, and under the floor of the

picture-gallery above, and access to the soot-door has been obtained through a small trap-door in the gallery floor. These doors have also been introduced by other noblemen in different parts of the country; but it would be tedious to particularize them. If these doors are objected to, the chimney may be opened, and the angle or angles rounded off, which will be a complete cure, unless there are long horizontal parts; if there are, the doors give the Chimney-sweeper more power over the soot lying in such places, although the chimney can be safely swept from the top, if the angles are sufficiently rounded off, notwithstanding the flatness. Many crooked chimneys are made so, that they may all come out in the centre of the building. These chimneys are frequently straight till they reach the roof of the house, where doors can be placed with perfect ease; or the chimney may be carried straight through the roof at a moderate cost, if it is preferred.

It will be found necessary to remove the four bits of slate, which many persons have placed at the top of their chimneys in some country towns, and to substitute the more slight chimney-pot, because the points of these slates catch the brush, which forms part of the machine, and because the brittleness of the slate, and the slight hold it has of the chimney, lead to other inconveniences.

The coring of chimneys can be effectually done by leaving three bricks out in the shelving slanting part of the chimney, through which the bricklayer can remove the deposit, and put in the bricks, and make it all good when that is done.

Those who feel the importance of the foregoing remarks, and may wish for information, and those who desire to make slight alterations in their chimneys, under the guidance of persons who have had some experience, or who may wish to have the most approved soot-doors, are advised to correspond with Mr. Glass, No. 2, Moor-lane, Fore-street, London, the inventor of the machine which has received the sanction of Parliament, from whom they can obtain every direction, and who will, if necessary, attend himself in any part of the country, at a very moderate cost. Ignorant people talk about the measure, as though the country was to be convulsed by it, and the unprincipled persons who have hitherto lived by infant labour, have fostered this ignorance; but the spell is now broken,

and the people at large are alive to the real merits of the question. The person already alluded to visited some time ago the neighbourhood of Brandon, in Suffolk, having been sent for to examine the chimneys at Weeting Hall, Northwold Rectory, Linford Hall, and Buckenham Hall. At Weeting Hall, one soot-door was required in the roof, and one also in a passage leading to the servants' bedrooms; and it was found necessary to round off the angles in two other chimneys, in parts of the house which rendered such an operation perfectly easy and costless. The chimney-sweeper had reported that a soot-door would be required in the wall of the principal staircase. The chimneys in the three other houses did not present any difficulty, although the Chimney-sweepers had described them as running over passages, and having such flat places and such angles as would render the best machine inapplicable. If any unhappy creature should urge the construction of any one particular chimney as a ground for continuing "these little negroes of our own growth," he should know that such a chimney is the exception to the general rule; that an honest man who understands his business, can sweep a chimney more effectually with Glass's machine than by a child; and that the chimney which requires any but a most trifling alteration, was prohibited for many years by Act of Parliament, and a penalty of one hundred pounds levied upon the constructor of such a merciless flue; which latter circumstance is urged as the only means of reaching the feelings, and of awakening the sensibilities, of those who know of nothing so valuable as money, and who would throw cold water upon any plan for ameliorating the condition of their fellow-creatures, if it involved an outlay of five pounds. To talk to such an one of doing as he would be done by, or of loving his neighbour as himself, or to tell him of the sufferings of infant Chimney-sweepers, would indeed be a fruitless task.

The machine referred to in the foregoing statement, is sufficiently elastic to sweep an angular chimney, such as that exhibited in Plate I., even from the fire-place. If chimneys are met with having one acute angle, and they cannot be conveniently swept from the top, a door may be placed in them, as in Plate II.; but this door will not be necessary, if the machine can be used on the

roof of the house, experience having proved that one angle can be passed from the top, and the soot completely removed and swept down into the fire-place, if proper care is taken. The man may find it necessary to stand up upon the grate after he has swept the chimney, and to remove any soot that may lie within his reach, at the commencement of the horizontal part; but that should be done in such a crooked chimney as this, even if a child was employed.

Plate III. shows how easily angles may be rounded off, and the chimney swept from the top.

Plate IV. shows the situation of the chimney at Linton Place, the seat of Earl Cornwallis, before its removal, as already referred to.

Plate V. shows its situation in the room after it was removed to make way for the folding-doors, and the course it now takes to connect it with the original chimney above.

Plate VI. is introduced to show the situation of the trap-door in the picture-gallery floor, as already stated, which trap-door is directly over letter *a* in Plate V. This impediment in the way of mechanical Chimney-sweeping was of an unusually serious character, and yet it was overcome by inserting a small wooden trap-door in the floor of the picture-gallery, and an iron soot-door in the rough brickwork under it. In this case it was not even necessary to trim the joists. There is also one other chimney at Linton Place which runs round three sides of a room in the basement, and which was adapted to the use of the machine by inserting two common soot-doors. The same easy adaptation of chimneys to the use of the machine has been found wherever surveys have been made by competent and experienced persons. At the seat of the Earl of Lucan, at Laleham, soot-doors were wanted; but they were not inserted in rooms, nor even in passages leading to rooms. Holland House, Kensington, was examined three years ago, from an idea that many alterations would be necessary, and it was seen that one chimney would require rounding off in an external wall, and that one or two soot-doors would be wanted in horizontal flues in the cook's department.

A survey of the chimneys at Marlborough House, St. James's, *made by order of her Most Gracious Majesty the Queen-Dowager,*

Plate I.

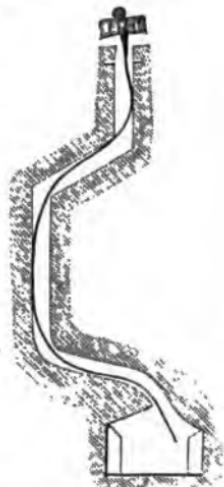


Plate IV.

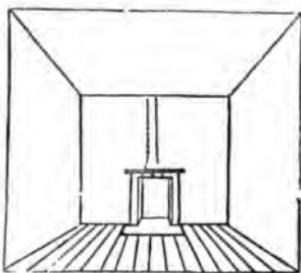


Plate II.

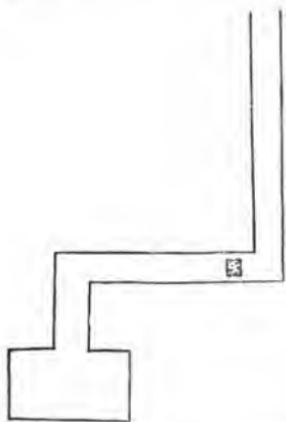


Plate V.

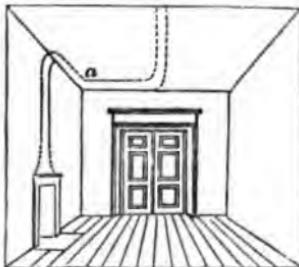


Plate III.

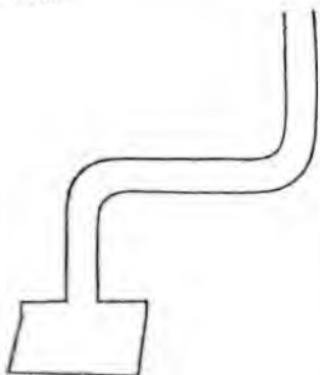
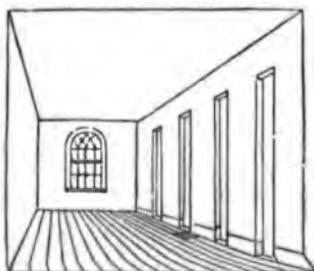


Plate VI.

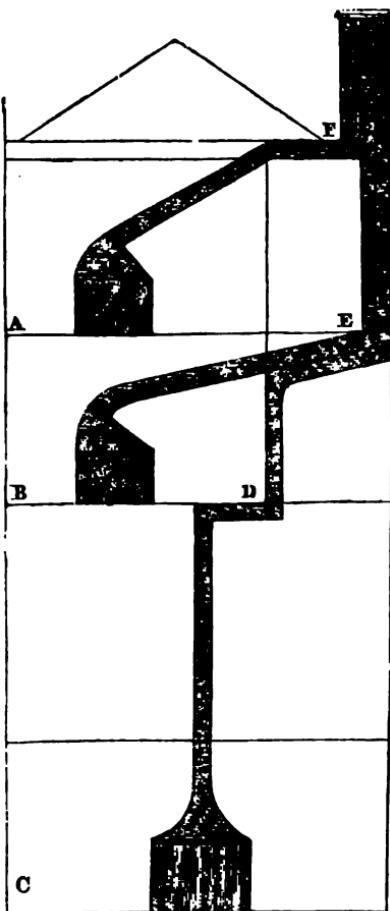


only led to the insertion of two soot-doors in the common brick-work of the basement.

The chimneys of the Bank of England have now been swept by the machine for some years, and this affords the finest possible proof of what may be done in this way. The late Sir John Soane taxed his ingenuity in constructing such chimneys as no one else ever heard of; and having built them, he maintained that no machine could be made to pass through their windings. This, however, has been most satisfactorily accomplished, and it is referred to here, merely to introduce the following statement, namely, that there are only two soot-doors placed within the offices. All the others are in passages, or on the outside, excepting one, which is in a man's pantry. Of the two doors referred to, one is in the £5. Note Office, and placed there by Sir John Soane, that the child might not be suffocated when he swept that intricate chimney; and the other is in the Power of Attorney's Office, placed there by Mr. Glass, from the bad construction of the chimney. The system was never tried on so large a scale as in this building, and the result shows that the two modes of sweeping are on an equality as regards the insertion of soot-doors in rooms.

Plate VII. exhibits two of the chimneys, A and B, at Hagley-park, the seat of Lord Lyttelton, as a specimen of many others in the same range of rooms, all of which were effectually swept by Mr. Glass from the top. The chimney in the room on the basement, C, is the only one in the house which presented any difficulty. To remove this impediment it was determined to place a soot-door in the floor of the room B, at letter D, as more fully described in page 6, at Linton Place. The chimney can then be swept from the top down to this door, and from this door to the fireplace, without taking out any soot at the door, in fact, with more cleanliness than when, as in ordinary cases, the chimney is swept in the room itself. If a clumsy, ignorant Chimney-sweeper should ever be employed for the other chimneys in this plate, which are like the chimneys in a long range of rooms in both galleries, doors could be put also in the floor above the principal chambers at letter E to sweep them, and in the brickwork on the outside of the roof at letter F, for the chimneys in the servants' apartments.

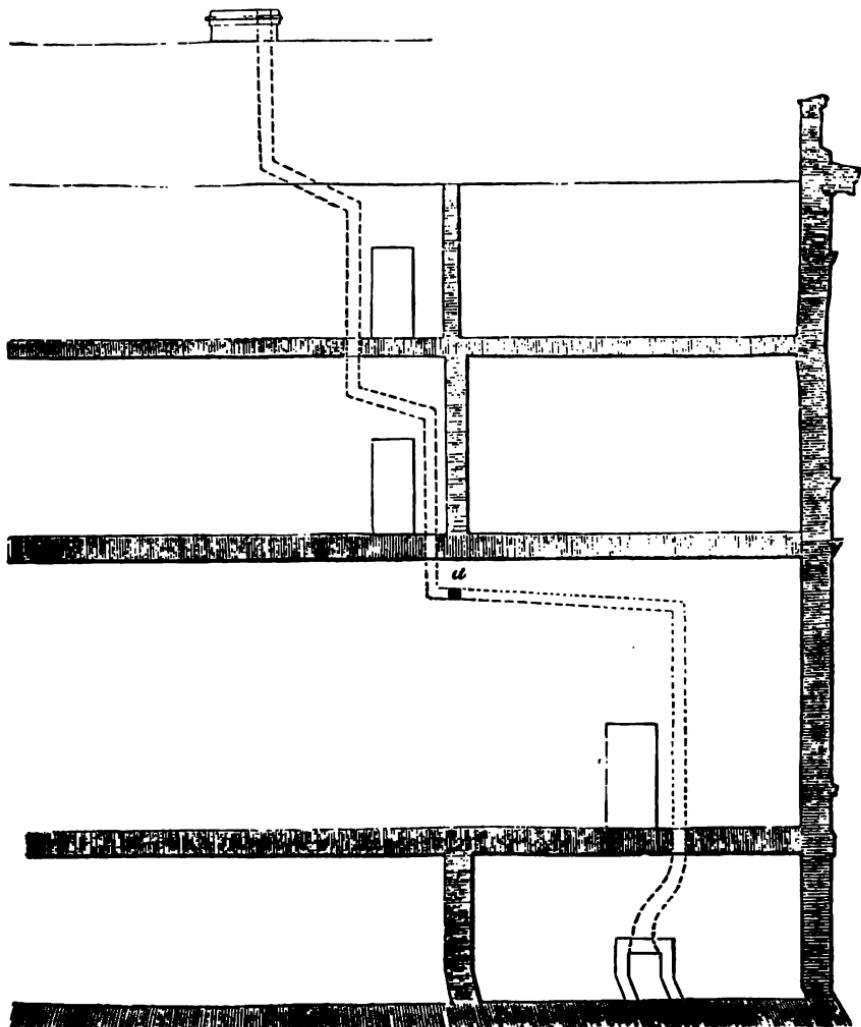
PLATE VII.



Amongst an immense body of most important evidence which was obtained by the Committee of the House of Lords in support of the Bill, now passed into a law, this fact was stated, that in the year 1840 the inhabitants of the city of Edinburgh, including the old and the new town, were so unused to the employment of children in sweeping chimneys, that there was only one boy in that trade in this large district. If the chimneys in the old and new town of Edinburgh can be cleansed without children, why should they be retained in any other quarter? Are the houses in Edinburgh lower than in other places; or are the chimneys in the old and new town exclusively of one class, so as to account in any remarkable degree for this exemption?

Plate VIII. is a sketch of the chimney at the Athenæum in Pall Mall, spoken of in page 3. This chimney has been swept with the machine for many years by means of one soot-door which is securely fixed in the brickwork in a hollow space under the drawing-room floor, and between it and the ceiling of the hall at letter *a*. After the machine has swept from the top down to letter *a*, it is put in at the door *a*, and the soot is swept into the fire-place; and this alteration was made many years before the passing of the Act.

PLATE VIII.



The machine now in use, is composed of a large round whalebone brush, of a peculiar construction, and fine cane rods three or four feet in length, which rods are attached to this brush, or head, by strong brass screws, and to each other in the same way; length after length being screwed on as the machine ascends the chimney, and unscrewed and laid aside as the machine is brought down the chimney; being put together like the different joints of a fishing-rod, with this exception, that the joints of a fishing-rod are slipped into each other, and these are firmly screwed together.

Plate IX. is a chimney in the Bank Post Bill Office at the Bank of England, and this chimney is swept from the top by merely rounding off two angles, as denoted by the double set of lines, one showing the original form, and the other the altered course of the chimney.

PLATE IX.

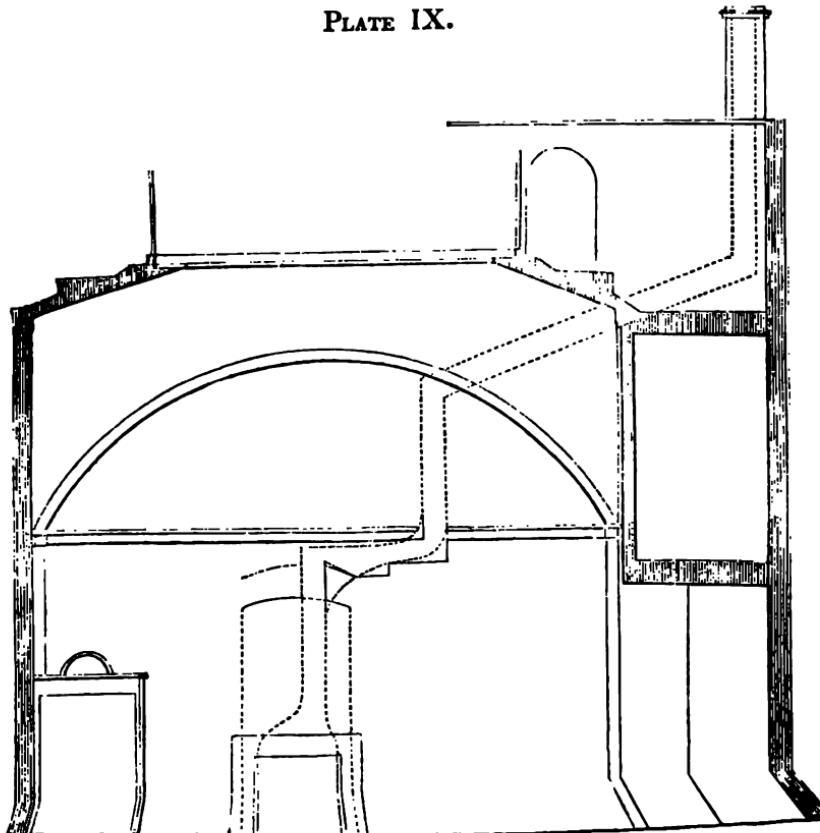
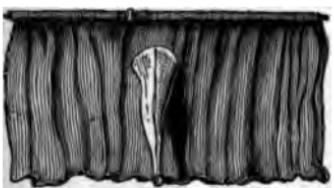


Plate X. is the chimney in the military officers' pantry at the Bank of England, which smoked to an intolerable degree while children swept it. There was a sharp angle in this chimney immediately behind a fire-place in another office, and this angle interfered with the machine. The architect having determined that the angle should be rounded off, easy access was obtained to it by taking out the stove in the adjoining office; and the alteration was accomplished in one afternoon without interfering with anything but the rough brickwork at the back of the stove in the other office. The chimney was then swept by the machine, notwithstanding its extraordinary formation; and all the annoyance of the smoke is also removed.

The machines in question are not to be confounded with the late Mr. Smart's machines, which are comparatively useless in a very crooked chimney, and may be known by the cord, which runs through a succession of hollow tubes, not canes, or by their being loosely linked together. These machines made by Mr. Smart are not at all under the control of the operator, the joints being held together too imperfectly to admit of their doing what they profess to do; and hence, in some measure at least, arises the impression that mechanical chimney sweeping is not adapted to the generality of houses; whereas Glass's machines have always brought down more soot than children have brought down, when the two modes have been fairly tried together.

The act of sweeping chimneys is a most unpleasant process under any circumstances, but its cleanliness is very much promoted by the kind of chimney-cloth introduced by Mr. Glass, as in the margin.



This cloth is fixed up within the marble jambs of the fire-place by means of a sliding rod and screw, instead of being merely hung up on the outside, by forks driven into the room. The cloth is also pro-

vided with a sort of sleeve in the centre which admits of its being closed round the edges, while the machine itself is worked through this small opening or sleeve. The same kind of cloth on a smaller scale is also provided for the soot-doors, in those cases where doors

 are required in a house, as in the margin. This cloth is set into a thin iron frame to fit the door when it is opened, and the machine is worked through the sleeve.

13

PLATE X.

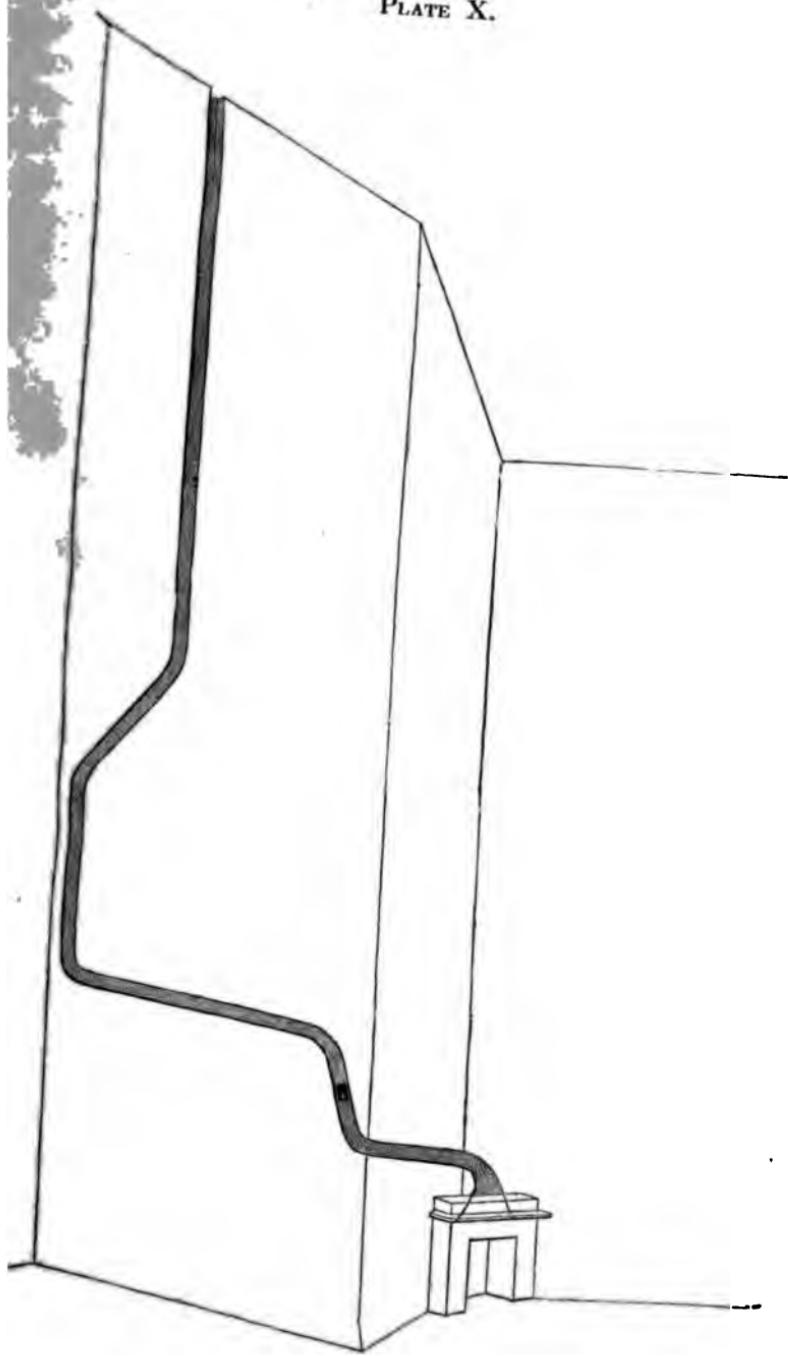


Plate XI. is a chimney in the Three per Cent. Reduced Office, also at the Bank of England, which has been adapted to the use of the machine by soot-doors.

PLATE XI.

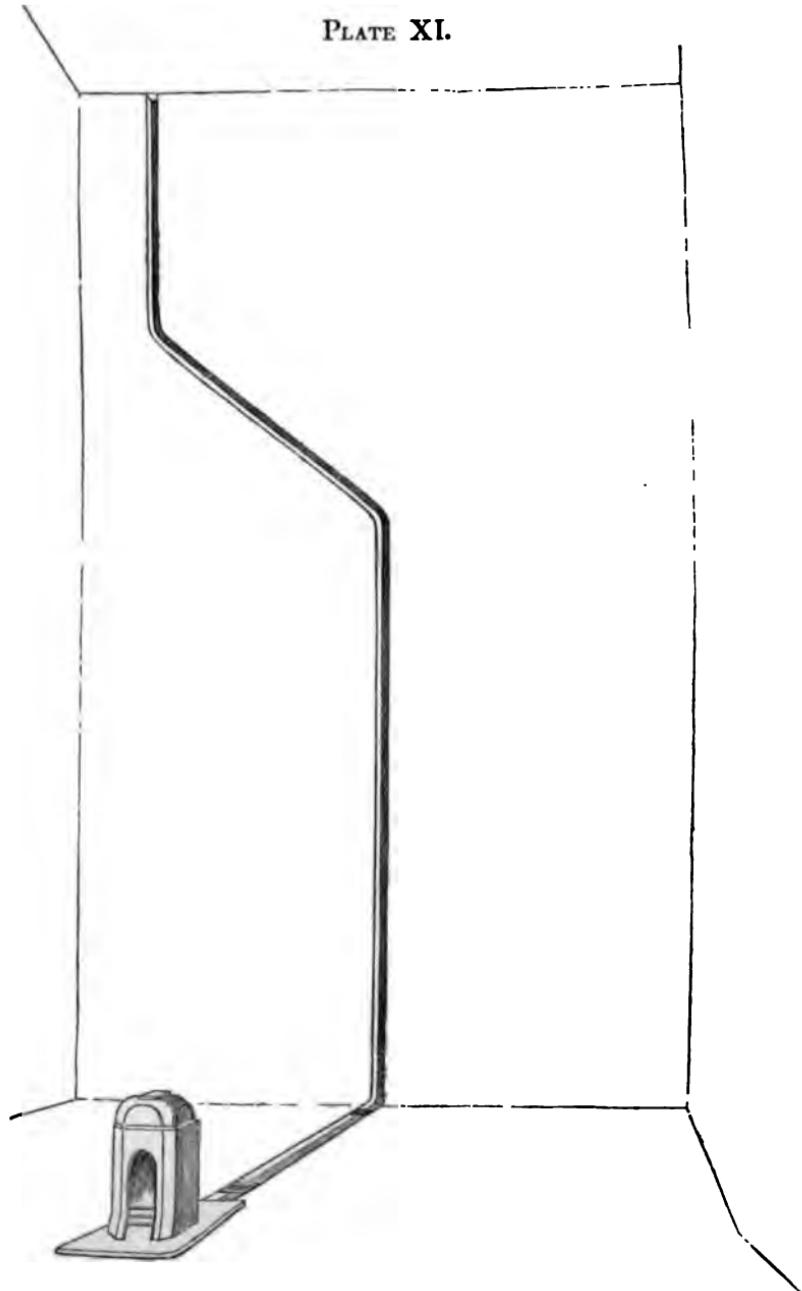
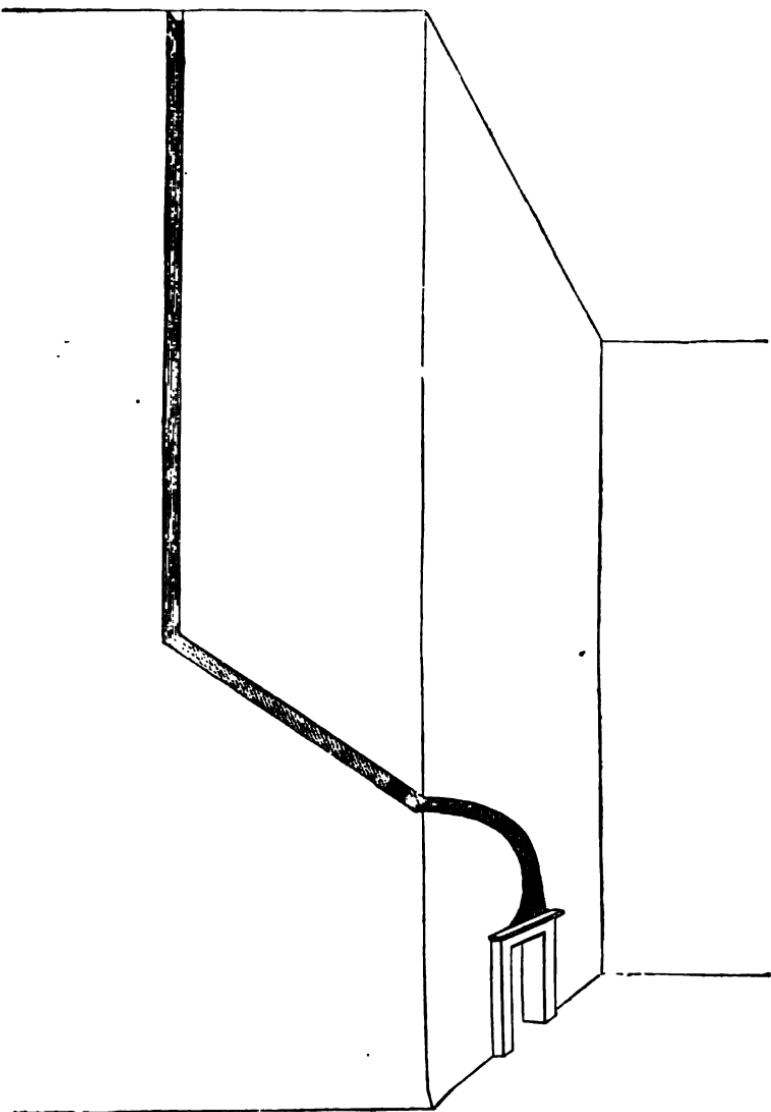


Plate XII. is a chimney in the Branch Banks' Office, at the Bank of England, which is much more effectually swept by the machine since a soot-door has been inserted in it, than it was by children, although it runs along two walls which are at right angles with each other.

PLATE XII.



Plates XIII. and XIV. show the course of two chimneys at Panshangar, which are now swept without children, merely by introducing common soot-doors, either outside the house or in the roof, but none of them in the house, which soot-doors, to the honour of Lord Cowper, were put in before the Act passed ; so that, instead of yielding a tardy and unwilling submission to what cannot now be resisted, his Lordship has the satisfaction of thinking that the success which attended this simple alteration was urged before the Committee of the House of Lords in support of the Bill, and in proof of the ease with which even such chimneys as these can be swept without boys.

The pains which the old race of chimney-sweepers have taken to mislead and disgust the public with regard to these soot-doors, is only to be equalled by the confidence with which their statements are received. Instructed by these high-minded teachers, persons profoundly ignorant of the whole matter talk of soot-doors as openings through which men enter the chimneys, instead of small apertures through which the brush only is introduced. They are also spoken of as if the soot was brought out at these doors, whereas they are only used to enable the operator to convey the soot past an angle or an horizontal part of the chimney down into the fire-place.

Everything may be made a nuisance ; but it is quite possible to improve upon the ordinary mode of sweeping by means of a soot-door, and that in no small degree.

The mis-statements above alluded to, are also countenanced by a person who is just now making a considerable stir, and who calls himself a flue surveyor, &c., and who, in support of his own superiority, has ventured to run down and undervalue everything connected with the subject that emanates from any other source. Many blunders have no doubt been made by employing the old Chimney-sweepers, whose ingenuity is always taxed to render the enactment as offensive as possible.

And are the difficulties here recited, then, all that can be urged against giving up the use of infant Chimney-sweepers ?

No. The most grievous result of all is, that it will oblige those men to work who have hitherto lived upon the labour of these helpless children, which has given rise to the hostility that is felt by them, and to all the misrepresentation by which the public mind was for a long time poisoned.

PLATE XIII.

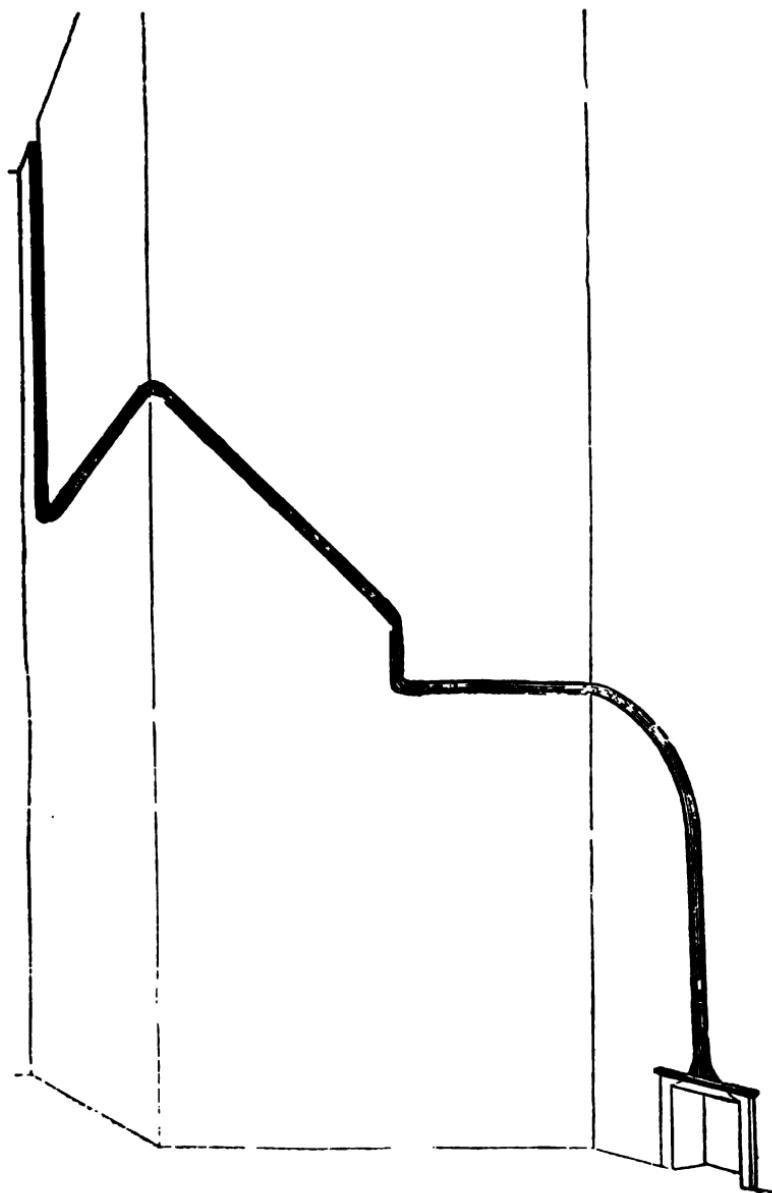
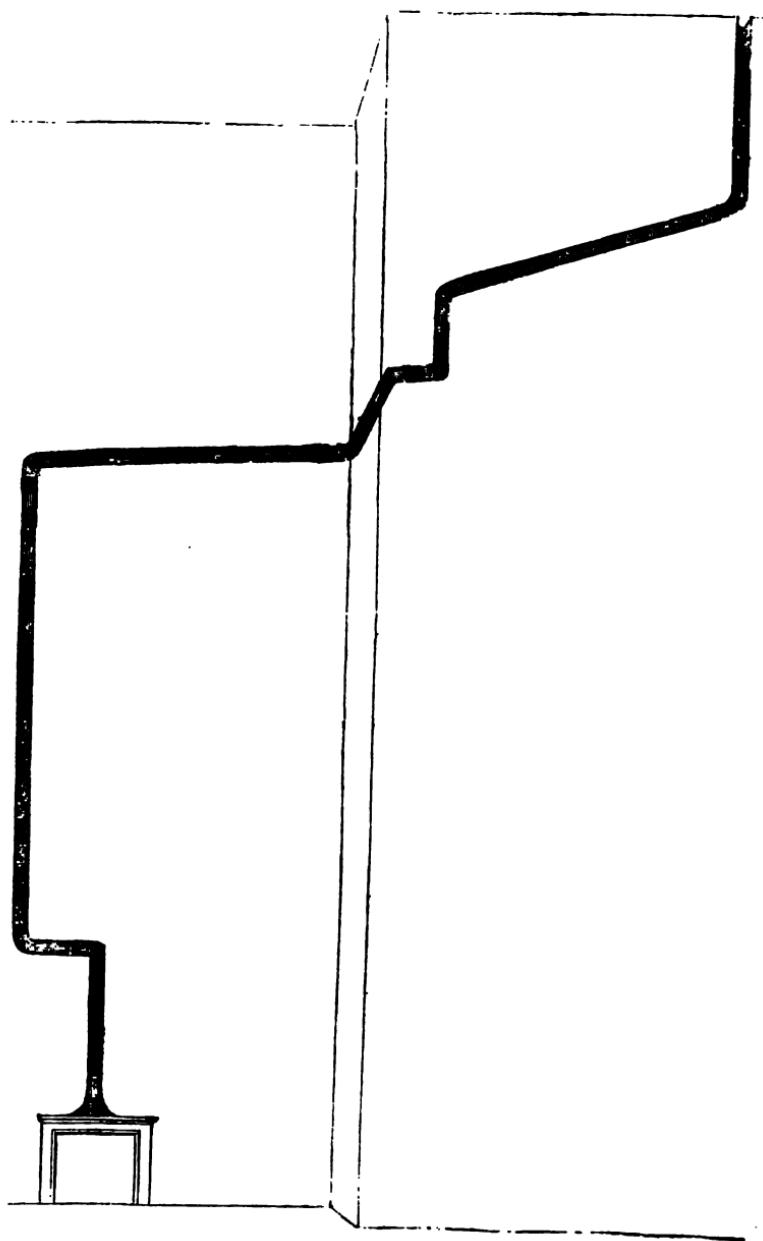


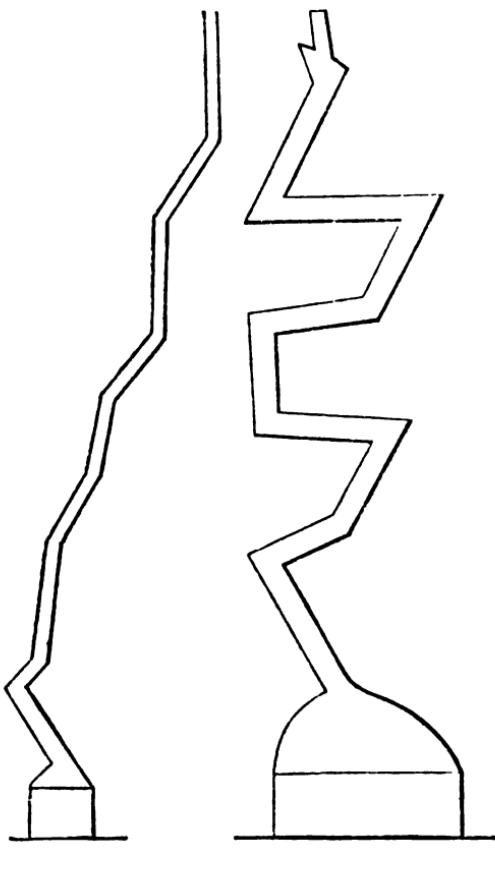
PLATE XIV.



In closing these remarks, the public is once more respectfully cautioned against consulting Chimney-sweepers who keep boys upon the capabilities of the machine, as their testimony is not to be relied on in matters connected with this subject. All that they have ever said or done as a body, in reference to these proceedings, has been characterized by fraud and dissimulation. It is only necessary to refer to their evidence before the House of Lords in 1834, and again in 1840, to see the force and the correctness of this remark. In 1834, when their traffic in human flesh was assailed, they were asked why the Bill then before the House should not pass into a law, and their answer was, because there is a large proportion of chimneys which no machine can possibly sweep. They were then asked whether they had plans of any such chimneys. The answer was, "No; but they shall be immediately furnished." No time was lost in fabricating such drawings as were suited to their purpose, and drawings of such chimneys as were never seen since the creation of the world. Their selections were principally made from Buckingham Palace and the Admiralty, in neither of which are to be found any difficulties that cannot be easily overcome. Indeed, the chimneys of the Admiralty, with all their pretended deformities, have now been swept for some years without boys.

A chimney in London House, St. James's, was also described as presenting insurmountable difficulties in the way of the machine, and a drawing of the still-room chimney was produced. It often happens that deceivers are allowed to defeat their own object by their want of moderation. This has been most remarkably apparent throughout the whole of these proceedings, but in the case of London House the chimneys were regularly and constantly cleansed by machinery at the very period referred to. Indeed, time would fail to tell of the deceptions practised by these men and of their several mis-statements. Some idea may be formed of the length to which they allowed themselves to go by a reference to the annexed drawings. There could be no reason for building such a chimney as the one here introduced, which will be seen to return, again and again, to the very part of the wall from which it is so wantonly taken away.

The first of these drawings gives a correct plan of the still-room chimney at London House, and the second is a copy of the false plan of the same chimney as laid upon the table of the House of Lords by the Chimney-sweepers of London.



Many persons speak of chimneys as women do of fire-arms; the one supposing that they are always in a situation to take fire, as the other does that a gun will go off if only looked at, without being touched. These alarmists may be asked, "Did you ever see loose soot hanging about the lower part of the chimney?"—Then let that soot be brushed down by the servant every morning before a fire is lighted; and if she sweeps as far as she can reach with

her hand-brush, it will be quite as far as the flame ever travels up a chimney. Soot is dreadfully inflammable, but fire must be brought into contact with it before any mischief will arise, and this can never be but by the gross and wilful neglect of the servants of the house. There is a powder-mill on Hounslow Heath, and there is a public road running within a certain distance of it; but no harm comes of the lighted torches that pass the gate, because there is no train to form a communication between these lights and the mill; and the same applies to a chimney. Cut off the communication between the fire and the soot which must collect, and is intended to collect in the chimney, and no danger need be apprehended.

A chimney that is badly swept will smoke; but the danger of fire is the matter now treated of, and the flame only plays about the lower part of the chimney, which is within reach of the servant's brush.

Since the first appearance of this pamphlet proofs have come to the author's knowledge that soot-doors were much more frequently resorted to than he was aware of, and that too without any reference to the use of the machine. It may suit the purpose of those who resist this merciful enactment, to urge that soot-doors in rooms will be the inevitable consequence of the proceeding. If these parties will call on Mr. Feetham, the extensive ironmonger in Clifford Street, Bond Street, he will tell them that he has often placed doors in chimneys that were not then swept by the machine, and one too behind a handsome glass over the marble chimney-piece, in the very centre of a fire-place, in the Albany, INTO WHICH DOOR A CHILD WAS REGULARLY THRUST whenever the chimney was swept.

The looking-glass in question is hung upon hinges, as a Claude or any other fine picture is sometimes hung if a different light is required for it, and brought round into the room during the process. There is something very ungenerous in urging this point as a hardship peculiarly arising out of the Act now in operation, when the same thing has existed for years unnoticed to suit a different purpose.

It is a most extraordinary thing that Chimney-sweepers are allowed to carry on their trade in the dark, in handsome rooms where cleanliness is so essential; and it is owing to this, that the

wretched system of sweeping by children continued in use so long. If humane and intelligent persons had fallen in with the stunted, miserable little objects, who were dragged about the streets from two to eight o'clock in our winter mornings, at the heels of their merciless taskmasters, a general outcry would have been raised, and the cruel bondage have been abolished. There was one division of this unhappy race which never obtruded itself upon the notice of the public, and rarely saw the daylight,—the little crooked, scrofulous illegitimates, who were bought at prices varying from ten shillings to forty shillings each, from those who never owned them, and who were worked without mercy, as mere pieces of machinery expected to wear out in two or three years. These unhappy beings swept the most difficult chimneys while the owners of the houses were in bed, and sifted soot in damp cellars, out of sight during the day. But this is now at an end, at least the power of abolishing the system is placed within the reach of every benevolent person; and it is to be hoped that daylight will be chosen for carrying on this trade now that it has become an honest one and has nothing to conceal, and because the cleanliness of the process is wonderfully promoted if the chimney has the warmth of a fire recently put out. It is true there are places which still possess an unenviable notoriety, and stand prominently forward, with the magistracy and Town Council in the van, as the upholders of this cruelty, and who refuse to convict upon the clearest evidence that the chimney has been swept by a child.

If this was confined to manufacturing towns, like Birmingham and Leeds and Sheffield and Wolverhampton and the like, where money is worshipped by so many as the true God, and worked for as the one thing needful, no great surprise would be expressed, for sin seldom lives alone; but it is astonishing that Oxford and Bristol and Clifton, and places of that description, should countenance this merciless system, because its abolition would involve a possible outlay of ten shillings upon one house in fifty, and a slight degree of personal attention. May God forgive this wanton unconcern!

A vain, but still a considerable effort, has been lately made to introduce a square brush for sweeping chimneys, by two sets of

men who successively styled themselves the Ramoneur Association, the last taking up what the others had abandoned, and abandoned too with the loss of sixteen hundred pounds. A square brush is an instrument which all admire who know nothing of Chimney-sweeping, and which all condemn who have any practical acquaintance with the subject. One experiment after another has been tried in the presence of scientific men, and they have all failed. The result of one of these experiments at the Bank of England is subjoined, because of the magnitude of that establishment, and from the high character of the architect attached to the building :—

“ MARCH 2, 1843.

“ I, the undersigned, do hereby certify, that the powers of the square brush, with its universal joints, put forth by the Ramoneur Association, were this day tried by the servants of the said Association, at the Bank of England, in my presence, and in the presence of five persons connected with the Ramoneur Association; that the chimneys which were tried on this occasion were those of the kitchen in the front gatekeeper’s apartments, and the kitchen of the Lothbury gatekeeper’s apartments; that in these two instances the Ramoneur Association failed entirely in their object, from their brush being stopped in both chimneys when at a distance of about ten feet from the top; that these two chimneys have been regularly swept, in common with all the other chimneys in the Bank, for many years, by Mr. Glass’s machine; that the two chimneys in question were swept by Mr. Glass and his machine this day in the presence of his opponents; that the gentlemen from the Ramoneur Association were urged to try other chimneys, but they declined it; that, so far as I have any architectural knowledge, a square brush can never be successfully employed in sweeping chimneys, because it is impossible to keep it in one uniform position, and if not kept in that position, and allowed to twist, it is in danger of becoming fixed in the chimney; whereas a circular brush, made like the one invented by Mr. Glass, is found to pass easily through the chimney, while it affords the workman an opportunity of turning the brush round and round in the process, by which quick movement the soot is really more completely dislodged than by any even, dull, regular motion that could be given to the square brush and its universal

joints, even if the said Ramoneur could be got through any difficult chimney. And I further certify, that considerable damage was done to the building on this occasion, a whole brick having been displaced from one part of the chimney, and a stone brought down from another part, which stone measures eleven inches by eight inches, and is two inches and a-half in thickness; and that, in my opinion, these accidents arose, out of the violence that is required to force a square brush through a chimney.

(Signed)

"GEORGE TOPPLE,

"Clerk of the Works under Mr. Cockerell."

There are many people who ask, with great sincerity, How can we best prevent the use of children in sweeping chimneys in our own neighbourhood? The answer to such persons is, Employ no man who has any boys about him. He may not venture to send them up your chimneys, but he uses them elsewhere. "He retains them because they are handy to run on errands, and to sweep up." No doubt of it, but that sweeping is up and down the chimneys of those who are base enough to require it, or to allow it; and you uphold the system by giving the man your countenance.

The cost of the machines made by Mr. Glass, of No. 2, Moor-lane, Fore-street, London, is as under:—

			£. s. d.
A Machine complete, 30 feet in length			2 13 6
Ditto	40	do.	3 5 0
Ditto	50	do.	3 16 0
Ditto	60	do.	4 7 6
Ditto	70	do.	4 18 6
Ditto	80	do.	5 10 0

A LETTER

FROM THE



ARCHDEACON OF MEATH,

TO

E. A. Stopford

HIS EXCELLENCY WILLIAM, BARON HEYTESBURY,

LORD LIEUTENANT GENERAL OF IRELAND :

ON THE ANSWERS MADE BY

THE COMMISSIONERS OF NATIONAL EDUCATION IN IRELAND,

IN THEIR ELEVENTH REPORT,

TO THE STATEMENTS CONTAINED IN THE ARCHDEACON'S
REPORT TO THE BISHOP OF MEATH.

DUBLIN :

GRANT AND BOLTON, 115, GRAFTON STREET.

F. AND J. RIVINGTON, LONDON.

1845.



A LETTER,

&c. &c.

MY LORD,

The Commissioners of National Education in Ireland having, in their last Report to your Excellency for the year 1844, quoted statements made by me, and having made observations thereon likely to produce a very erroneous impression respecting them, I am under the necessity of entreating your Excellency's attention to those statements, and to the nature of the answers on which the Commissioners rely.

The statements in question were made by me in a report* which I had occasion to make to the Bishop of Meath. He had directed me to confer with the Clergy of the diocese, to ascertain how far it was possible to induce a body respectable in numbers, as well as character and influence, to co-operate with the National System ; and what reasonable modifications might be necessary to secure such a result. We hoped to have been met by the Board in a spirit of

* "A Report to the Lord Bishop of Meath on the state of Elementary Schools in the diocese, and the opinions of the Clergy respecting the question of National Education."—*Grant and Bolton, Dublin. Rivington, London.*

conciliation, and in this hope we were most careful to propose nothing inconsistent with the spirit or the principles of the National System.

How well we have succeeded in this, your Excellency will learn from the fact that no objection on such grounds has been made by the Board to our proposals.

The Board, however, met us with a determined resolution not to admit of any modification, however intrinsically harmless, which might have the effect of reconciling us to their system. And they gave us to understand, that even in respect of any ambiguity in their rules which we might wish to have cleared up or explained, they would not listen to any representation we might wish to make.

It then became necessary for us to consider whether we could give in our adhesion to them on these terms. For this purpose an accurate re-examination was made of their rules, documents, and proceedings, and we were forced to the conclusion that neither the opinions of the Clergy nor our own judgment would warrant us in doing so. It was then hopeless to proceed unless Her Majesty's Ministers would give us some support ; and finding that this was not to be expected, we were obliged, in order to justify our own position, to make public the circumstances which obliged us yet to remain aloof from the National System.

These facts, which the Board have not noticed, should be kept in remembrance, in order to form a just judgment of the statements which grew out of those facts, and of the sufficiency of the answers which the Board have felt it necessary to give, in the

most public manner, to your Excellency and to the Legislature ; although without mentioning where or by whom those statements are made, which they feel constrained thus to answer.

On the sufficiency of those answers the justice and reasonableness of our proposals and requests depend. And if they should appear to have been reasonable, it will not be difficult to determine whether those who make reasonable proposals of reconciliation, or those who reject them unheard, are to blame for the present unhappy state of things respecting education in Ireland.

Section IV., of the Eleventh Report, is devoted exclusively to replying to statements quoted from mine.

It commences thus, "We annex a copy of Lord Stanley's letter to the Duke of Leinster, under which the National Board was established."

The reason of so annexing this letter, may not at first sight appear to your Excellency. On one former occasion only did they do so ; and that for a special reason which they stated, (See Eighth Report—1.) It is therefore contrary to their custom to present it with their Report, except for such a special reason.

On this occasion, no reason is stated by them for doing so : but on turning to the letter, a note is found appended to it, which shews the existence of a special reason.

That reason was a statement made by me to this effect ; "About the time that the Commissioners may be thought to have contemplated the withdrawal of their recommendation that the (Scripture) extracts should be used, they printed for general circulation,

" with the First, Second, and Third Reports, a copy
" of Lord Stanley's letter in which the passage stating
" that those extracts were not to be excluded from
" the common instruction was suppressed."
" The suppressed passage of Lord Stanley's letter did
" not again see the light until the Board had occasion
" to present a copy of that letter, with the Eighth Re-
" port, which was the first they addressed to Lord
" de Grey, in June, 1842. They then gave the letter
" correctly ; but in a volume of the eight Reports
" published in 1842, the mutilated letter is formally
" prefixed to the volume as their charter ; the correct
" copy lies in the back ground of an appendix where
" it escapes notice."—(Report to Bishop of Meath, pp.
23 and 24.)

It was to meet this statement that the Board presented this letter to your Excellency this year, in order to have an opportunity of appending to it the following note ; " A copy of the original draft of Lord Stanley's letter, which had been sent to the Board printed, was, by mistake, reprinted with other documents by direction of the Board, in 1836, instead of the letter itself ; but a copy of the letter itself, as finally settled, and now given, was annexed by the Board to its Report for 1841, and printed therewith."

That "copy of the original draft of Lord Stanley's letter," which the Board say "had been sent to the Board, printed," was sent, before the Board was in existence, to *individuals* whom it was in contemplation to appoint.—(Lords Committee, 1837, pp. 28 and 38.)

Upon suggestions made by some of them, that draft was cancelled ; and a new letter written, with an additional sentence, embodying an entirely new topic.—(Lord's Committee, p. 16.) This new letter was then issued, and subsequently to its issue, and under its authority, the Board was constituted. *This* corrected letter was “sent to the Board” officially, and entered on their Minutes, so that no doubt could exist in their office respecting it ; (Lords Committee, pp. 37 and 38;) while the printed copy of the cancelled draft could hardly have come officially among their records :* and we find that subsequently, after their Minutes must have been searched for it, a copy was produced, not from thence, but from Dublin Castle : a clear proof that it was not found in their Minutes.—(Common's Committee, 1837, No. 744 and 745.)

But however it happened, the Board admit having reprinted a wrong copy in 1836, and that the circulation of it by their authority continued unchecked, nothing having been done by them for the correction of the mistake, until 1842.† “But a copy of the “letter itself, as finally settled, and now given, was “annexed by the Board to its report for 1841, and “printed therewith.”

Your Excellency will doubtless infer from this, that the mistake was not discovered until 1842, and that when discovered, it was duly corrected, by withdrawing the false copy, and substituting the true one in its

* Mr. Carlisle's evidence before the Lords, being given under a misapprehension, will mislead any one who follows it on this point.

† The Report for 1841 is dated June 2, 1842.

place. And your Excellency may perhaps think that my published observations on a mistake so long since discovered and corrected, were wanton and uncalled for, and perhaps merited the terms "malevolence and obloquy," which may appear to have been intended for me, inasmuch as the statements of which the Eleventh Report complains are taken exclusively from me. I therefore feel bound to state to your Excellency the actual facts which called forth my observations in that passage which I have already quoted.

1stly.—The copies were collated, and the mistake necessarily discovered, in 1837, yet the circulation of the wrong copy continued, as the Board now admit, without any correction, until 1842.

2ndly.—Subsequently to that correction on which the Board now rely, they still continued, up to the time at which I wrote, to put forward the wrong copy as "the terms of the Commission itself."

If this be so, it cannot be denied the matter was one requiring to be noticed.

1st.—On the 6th of March, 1837, Mr. Carlisle was examined before the Lords' Committee, respecting another difference between the two copies. He held a copy of this "original draft," which he erroneously called "the copy of Lord Stanley's letter communicated to us for our guidance," (Lords' Committee, p. 28), and a Right Rev. Prelate on the committee held a copy returned to parliament, by the Irish office in London, (Certified Letter in Commons, Appendix), and disclaimed by the Commissioners, (Lords' Committee, p. 30.) Respecting that difference which was much canvassed, Mr. Carlisle was thus examined :—

" Your Record will shew the precise terms in which
" it (the letter) was addressed to the Board, which
" was formally constituted ?

" Certainly ; it has been copied into our Minute Book.

" There will be no difficulty in ascertaining how far
" that official communication to you corresponded
" with the previous private communication, or the
" paper laid before the House of Commons ?

" There will be no difficulty in ascertaining whether
" the copy in our Minute Book corresponds with this
" printed copy put into the hands of the Commis-
" sioners previously to the constitution of the Board."
(Lords' Committee, pp. 37 and 38.)

We cannot doubt that this comparison was imme-
diately instituted, that the printed copy was compared
with the Minute Book ; and if so, how could the mis-
take escape detection ?

Some weeks afterwards, on the 17th of April, Mr.
Carlisle being examined, together with another Com-
missioner, before the Commons' Committee, was again
questioned concerning this difference. In support of
the letter printed *by mistake* in 1836 from the " origi-
nal draft," he produced what he termed " an attested
copy of the original letter addressed to us," (Commons'
Committee, 744.) On being asked to account for the
difference between it and the copy returned to Parlia-
ment, the next answer says—" We have procured from
" the *Castle* an attested copy *since we came here*,
" which contains the words."* Hence it appears, that
after the former examination, when Mr. Carlisle had

* This refers not to the passage in question, but to a sentence
contained in the printed draft and omitted in the letter.

been put on comparing the printed letter with *their Minute*, they had sent to Dublin to procure an attested copy. Yet they did not get over an attested copy of their own Minute, which would have showed the mistake at once ; but they got from the Castle what could not have been any thing else but an attested copy of the "original draft." Is it possible that they should not then have discovered that this copy, for which they must have searched their Records in vain, differed from the letter sent officially to them, and entered on their Minutes ?

Yet, by their own admission in this note, they continued for FIVE YEARS afterwards to circulate the "original draft," without any attempt at correction, as "the terms of the Commission itself."

And during these years they carried into effect the prohibition of a practice expressly sanctioned by that passage of Lord Stanley's letter,* and which was thus suppressed. It was not until they had to present a copy officially to the Lord Lieutenant (Lord de Grey) that they produced the letter itself. They did not then present their printed copy which they had so long circulated—they presented a copy of that in their Minute Book.

2nd.—Your Excellency may naturally suppose from their note, that presenting the right copy was a correction of their former mistake. "But a copy of the "letter itself, as finally settled, and now given, was "annexed by the Board to its Report for 1841, and "printed therewith." In fact, however, it was not such a correction. When the Board produced the

* That practice had the sanction also of the Report of 1812.

letter, they did at the very same time re-publish what they now confess to have been the original draft. They bound up both letters with their Eight Reports for circulation. The *draft* stands in front of the volume, thus introduced in the preface:—"They have " also prefixed to the Reports the terms of the Com- " mission itself." The *letter* stands in smaller type in the appendix to the Eighth Report. Who, after reading the former, would be at the trouble of reading the latter, which purports to be but another copy of the same letter? Can this be called a sufficient correction?*

These facts your Excellency will observe were stated by me in the passage above quoted ; they formed part of the statement with which the Board had to deal when they wrote that note : they have not contradicted it—the fact stands admitted. Neither will they contradict what I now state ; that they corrected and reprinted the collection in 1844 : they even corrected the preface to bring down its application *to that very year*. "The Commissioners of National Education in "Ireland have deemed it expedient to reprint, from "the copies printed by order of parliament, the Re- "ports of their proceedings *for the last ten years* ; "for the purpose of diffusing more widely information " respecting the principles of the system of Education "administered by them, and the measure of success

* That it was not so understood by the public, may appear from the fact, that since my statement was published, a friend of mine very conversant with the subject, has maintained that I was mistaken in this point ; that the letter published in 1836 was actually the official letter to the Board. The Board, however, have now admitted the contrary.

" which it has already obtained They have also " *prefixed to the Reports, the terms of the Commission itself*" and then follows—" the original " draft." And this was in 1844.

Such was the position in which this letter stood at the time at which I had to examine and report on the subject. This was one of the topics on which we wished to seek from the Board reasonable revision and modification. Whether to seek or to refuse it were the most unreasonable, your Excellency will judge.

The paragraph under consideration thus proceeds—
(We annex) " also, copies of our existing school rules, " of the deed by which the schoolhouses built by aid " from us are secured to the public, and of the queries " on which we require our local superintendents to " report before aid in any case is granted. Your " Excellency will observe, that the rules contain an " abstract of the deed, and that the first step we take " whenever an application is made to us for aid towards " the building of a schoolhouse, is to require the super- " intendent of the district to wait on the applicants, " including the proposed trustees, to give them a copy " of the deed itself, and to ascertain whether they are " willing to execute it, '*and to observe the rules there-*' " *in set forth.*' And yet it has been stated that the " deed differs from the rules, and that a party, after " studying our rules, may go to our office and execute " the deed without reading it, supposing it to agree " with the rules, and may then find he was bound in a " way he never contemplated."

It is quite certain that statement, "That the deed differs from the rules," was made by me ; but it may not be quite so clear to your Excellency whether it has been contradicted by the Board.

On first reading their answer, your Excellency may have thought my statement a monstrous one, only to be mentioned in order to be indignantly denied ; but on looking more closely, your Excellency will see that the Board have not given it any denial whatever.

The reasons for not doing so will appear from these facts. 1st.—That in a letter* to me dated March 29th, written in reply to a statement of this question submitted to them by me, the Board did admit it to be "matter for grave and mature deliberation," whether they should not "apply for the opinion of Her "Majesty's law officers thereon, and avail themselves "of their guidance." 2nd.—After having taken such advice, (as we may presume,) and certainly with the resolution of denying whatever it was possible to deny, the Commissioners have actually altered the trust deed now presented to your Excellency, not so much with a view to embody in it their rules, as to prevent its being any longer actually at variance with their own professions.

Those professions were as follows. Fourth Report, "IV., 34. "Having received your Excellency's per-
"mission to revise our existing rule as to religious
"instruction, we have anxiously considered whether
"we could effect such an alteration in the letter of it,

* Correspondence with the National Board on the subject of the trust deed of the National Schools—P. 16.

" without violating the principle, as might satisfy any
" of those who have been hitherto conscientiously
" opposed to us. 35— . . . The letter of the
" rule is, that religious instruction shall be given out
" of the hours during which all the children attending
" a school are assembled for common instruction. . . .
" 38. We therefore propose modifying the letter of the
" rule, so as to allow religious instruction to be given,
" and of course the Scriptures to be read or the cate-
" chism learned, *during any of the school-hours*,
" provided such an arrangement be made as that no
" children shall take part in, or listen to any religious
" reading or instruction to which their parents or
" guardians object." They did then alter their rules
so as apparently to grant this concession : but they
retained in the trust deed this clause " That each and
" every school to be kept and established on the pre-
" mises hereby demised, shall be kept open for a com-
" petent number of hours in each day . . . and shall
" *during said days be used for moral and literary*
" *education only.*"

Your Excellency will see that their professions and
their deed were contradictory. It was impossible to
reconcile them. And the Board feel that this was
undeniable, for they have altered this clause to prevent
its contradicting their professions. It now runs thus
" and shall during said *hours*, &c.," not *days* as before.
The alteration we shall see presently is not sufficient
under the circumstances, but it prevents the utter
contradiction between the public statement and the
deed : and it serves to shew how undeniable that

contradiction was ; which is my present object. I trust this will satisfy your Excellency that I was justified in stating that the deed differed from the rules.

And here I cannot but complain of the materials furnished by the Board for your Excellency's use in considering this statement of mine. In making their complaint they submit to your Excellency the rules and the deed : your Excellency will naturally compare them, and thus test the truth of my statement. But they omit to state that they have altered the deed in one important clause, so as to be no longer liable to the objection. They permit your Excellency to suppose that they have given that deed on which my statement was made, while in fact they have not done so : is this fair towards me ?

The statement they complain of proceeds " and that " a party after studying the rules, may go to our " office and execute the deed without reading it, sup- " posing it to agree with the rules, and may then " find he was bound in a way he never contemplated." This part of the statement too I undertake to vindicate.

In answer to it, the Board rely upon the fact " that the rules contain an abstract of the deed." True, they do : but the " abstract" was not drawn according to the deed. It was drawn according to the deed *as it has now been altered* to prevent its contradicting the rules. The " abstract" required that a competent number of *hours* should be devoted to moral and literary instruction only. This was perfectly fair. The deed required that "on ~~said~~ days" (all days of

the week, except the day of religious instruction,) the school should "be used for moral and literary instruction only." The difference was a wide one. Whoever examined and altered the deed, must of course have examined the abstract also. They judged it *necessary* to alter the deed, to make it agree with the Fourth Report. They judged it *unnecessary* to alter the abstract, to make it agree with the same. Yet they now meet my statement of the difference, by saying there was an abstract of the deed in the rules!

The Board further rely on the fact "that the first "step we take whenever an application is made to us "for aid towards the building of a school-house, is to "require the superintendent of the district to wait on "the applicants, including the proposed trustees, to "give them a copy of the deed itself, and to ascertain "whether they are willing to execute it, '*and to observe the rules therein set forth.*'"

Your Excellency will observe from the passage above quoted from their letter of March 29th, that the Board did not consider *themselves* competent to decide on the construction of the deed, whether it were at variance with the rules or not: and could they expect that every unprofessional person could examine and extract the meaning of that mass of technicalities? Is it not much more probable that plain men having read the professions of their Fourth Report, and the rules corrected accordingly, and finding no evident contradiction in the abstract, should take for granted that there was none in the deed; and should sign it without having it examined by

a lawyer, on "the confidence which is placed in such papers, when prepared under the sanction of a national institution?" And might I not justly say that such a person might then find himself bound in a way he had never contemplated? Who, after reading the Fourth Report, and the rules, and the abstract of the deed contained in them, would suppose that in signing the deed he was binding himself to use the School on most days of the week "for moral and literary education only?"

But to give the answer of the Board its full weight, suppose that every one who examined the deed before he signed it could be expected to discover its contrariety to the Fourth Report; what does the answer amount to? Is it not to this—"true, we did profess to grant such and such concessions to meet conscientious scruples; and we did alter our rules so that it appeared that these concessions had been granted; but then we did not grant them in the trust deed; and parties, if they had looked closely into the matter, might have seen that we did not; for they were asked by the superintendent "would they execute the deed, *and observe the rules therein set forth*, (the italics are the Board's); they might have seen then, that notwithstanding our public statement and our rules, it was *to the deed they were bound*; and if they were careless, and relied upon our statements and our rules, and neglected to examine the deed, what right have they now to complain?"

Is not this the nature of the answer of the Board? And is this a satisfactory answer to the statement that

concessions voluntarily offered by themselves were not carried into effect in their legal documents ?

There is another alteration yet required without which the deed cannot entirely obtain our confidence. A rule which formerly stood in the code (Sec. II, Rule 3, in the Fifth Report,) was copied literally from thence into the deed ; subsequently it was erased from the code, and its place supplied by one more likely to be acceptable. The old rule was, however, retained in the deed ;* and the Board now refuse to accept in place of it the new rule introduced into the code by themselves. This mode of proceeding we do not understand.

The vindication of the principle of the Board is now always rested on this new rule. It occupies a prominent place in the Prime Minister's first letter to his Grace the Lord Primate. Ought it not to be understood that a considerable body of the Clergy are willing to accept this rule and to bind themselves to observe it, *if the Board will do the same*. And the Board REFUSE to be bound by it. Which party acts most reasonably ? Which is to blame that the rule is not carried into effect by their mutual co-operation ?†

* When the rule was changed (in 1843) the old rule was retained in the deed without any change. In 1844 an alteration, apparently trifling, but of considerable importance, was made, or being substituted for *and* : thus allowing a patron to take his choice of two conditions attached to religious instruction, instead of binding him to both.

In 1843, while *and* stood in the deed according to the old rule, or had been introduced into the abstract.

† We make one objection to the new rule : one sentence is capable of two different constructions. We cannot tell to which we should be bound, and we think the Board ought not to refuse to

The next paragraph of the Report proceeds as follows :—“ Your Excellency will also observe that “ no books can be used in the moral and literary in-“ struction afforded in the National Schools, except “ such as we approve of. Your Excellency will re-“ collect that those which we have published, and “ which are in general use, are precisely of the “ description pointed out by the Commissioners of “ 1812. Your Excellency will also observe that we “ take care that all children attending the National “ Schools, shall be allowed opportunities for receiving “ particular religious instruction ; and will recollect “ that the Commissioners of 1812 distinctly say, that “ it would be the duty of the ministers of religion to “ give it, *at other times and in other places*. And “ yet it has been asserted, that the system recommended “ by them was essentially, though imperfectly, religious, “ but that ours is ‘merely secular :’ nay, that ‘a school “ which might leave children ignorant of the very “ existence of a God, may perfectly fulfil all that the “ National Board stipulate for in making a grant.’”

The Board here allude to a statement made by me which they do not correctly represent. They represent me to have said of the *National System in general* that it is “merely secular,” differing herein from that

tell us: yet every attempt hitherto made to ascertain it from them has failed. (Correspondence subjoined to Report to the Bishop of Meath, pp. 65—76.) Yet this point ought to be not difficult of adjustment. In this Eleventh Report (—32) the Board thus define their principle, “ No child shall be required to be present at any religious instruction, &c.:” this we are willing to accept as the explanation of the Rule, provided the Board will so accept it also.

recommended in 1812, which was essentially though imperfectly religious.

I, however, said no such thing. I admitted the imperfect religious character of the National System as first established under Lord Stanley's letter.* And I admitted it to some extent in that system as still existing in the vested schools. But I shewed that latterly a new system had been established, in which there is no requirement or provision made by the Board of any amount of religious instruction whatever. I expressly applied my statement to one class of their schools, the non-vested ; yet the Commissioners represent me to have said it of their system in general.

They meet it by a statement which avoids whatever bears upon the question. They ask your Excellency to observe "that those books which they have published, " and which are in general use, are precisely of the "description pointed out by the Commissioners of " 1812 ;" that is, containing a certain amount of Scriptural instruction ; but they keep out of sight the difference, viz., that the Report of 1812 not only provides religious instruction in books, but requires that it be communicated to the children. The Board provides such religious instruction in books, but do *not* require that it shall be given to the children ; nay, they expressly permit the conductors of the schools to exclude it altogether, without introducing any thing else in its place : all their positive requirements are fully satisfied provided merely secular in-

* Report to Bishop of Meath, p. 36.

struction be given. Is there here no difference as to the essentially religious character of the systems ?

It is true the Board ask your Excellency to observe, as if it were important, "that no books can be used " in the moral and literary instruction afforded in the " National Schools except such as they approve of :" and your Excellency may infer from this, that they thus make sufficient provision against their own books being excluded without any thing of a similarly religious character being provided in their place : but this is not so—the patron cannot use any books "to which the Board object;" but that same rule which thus restrains him, contains also an undertaking on their part not to object except on the ground of matter positively objectionable in itself, or objectionable as belonging to some particular religious denomination. To object to books on the ground of their not containing positive religious instruction would be to violate a promise contained in their own rule—a rule which they maintain unchanged now that its bearing has been pointed out to them.

Hence it appears that notwithstanding what the Board have said, my statement is literally and accurately true, and I beg to repeat it as a whole that your Excellency may be able to put it to the severest test.

" The Board on this new system, *stipulate* for so " many hours of *exclusively* secular instruction, and " *for nothing more*. The patron may use books " which exclude the mention of God or of religion ; " and may close the school against all religious in-

" struction whatever ; and he has not violated any " existing rule of the Board. Such a school, which " might leave children ignorant of the very existence " of a God, may perfectly fulfil all that the National " Board stipulate for in making a grant."

Now I entreat your Excellency to ask the Commissioners what rule of theirs the patron who should so act would violate ? or what stipulation of the Board such a school would not fulfil ? And if, as they well know, they cannot point to any rule violated, or any stipulation unfulfilled, why should they complain of me for stating the fact, as if I had stated that which was not true ?

Did I make the statement to blame them for introducing this system ? far from it. I have repeatedly declared that this system affords a ground for our joining them : and that it is the only grounds on which we could do so. I blame them for nothing so much as for shrinking from the avowal of the principle which they have in fact introduced, namely, that the system, so far as their requirements are concerned, is merely secular. Did I say that the first principles of religion were actually excluded or omitted in any National School ? I said nothing of the kind : it was quite foreign to my subject. I do not think that the offer of religious instruction in schools in this country is dependent on the requirements of a Board : but, in considering whether we could co-operate with the Board, I had to consider, not the usual practice of patrons in things in which they are left at liberty, but the abstract principle of the system as determined by

what the Board requires. Nothing but their hesitation in avowing it (of which their present complaint is an appropriate instance) obliged me to put that abstract principle in the strong light in which I have put it, in that statement which your Excellency will find on trial to be undeniable.

We prefer the principle of the non-vested schools to the vested, and so would all parties and sects in Ireland. That principle has the sanction of the Commissioners of 1812, whose recommendation the Prime Minister so much relies upon. It has very lately received the marked and deliberate preference of Government and of Parliament. Where those principles differ, the new college bill is opposed to the vested, and exactly agrees with the non-vested schools. The 14th clause gives the head of the institution a right, but does not compel him, to give the use of the building for religious instruction ; Rule 5, Sec. II. for non-vested schools does the same. But, in vested schools, no discretion in the matter is allowed to the head of the institution, *or to any one else* ; a legal right is indiscriminately given to all such "pastors or other persons as may be approved of by the parents or guardians of the children respectively ;" there is no limitation, not even to persons called by the name of Christians;* Jews, Deists,

* The Board say it is the principle of their system "That the National Schools shall be open to *Christians* of all denominations," (11th Report, '32). This seems to imply that the Schools are open only to Christians. It is difficult to understand with what other meaning in view the word *Christian* came to be introduced into the definition. The fact however is, that sects which are not Christian are equally admissible, and an equal right is secured to their teachers to give religious instruction in vested schools.

Mormonites, Socialists, if approved by the parents, have a *legal right*, as much as any others, to give their instruction in the school-room. The Board may perhaps complain of this statement too, but they cannot disprove it. We cannot consent to give this legal right in our schools to all such persons; we say that a general system of education cannot be conducted in Ireland, except on the principle of leaving a discretion in the head of each institution as to what religious instruction shall be given within its walls with his sanction, securing to all who scruple at it liberty of withdrawing from it, and opportunity of seeking elsewhere what they prefer: and the new college bill affirms our opinion, that this is the only plan which it is practicable to adopt in Ireland.

This is the plan of the non-vested schools as distinguished from the vested.

Whether the non-vested schools are an integral and permanent part of the system is a question of vital importance as respects the reconciling of the clergy to it; we do not ask that the vested schools should be given up; let those have them who prefer them; but we seek to know whether the non-vested system is to cease as the other comes into more general operation; whether it is a permanent part of the system, or a device "to provide for the ultimate establishment of that system from which we are permitted to think that we have been relieved."

No part of my statement* required notice more than

* Report to the Bishop of Meath, pp. 49—54.

this. It was distinctly brought before Sir J. Graham by the Bishop of Meath, in a letter dated January 2, 1845.* Sir James stated in reply, that the result of inquiries which he had instituted was quite satisfactory ; but he declined to make known to us the explanations. The Board are now silent on a subject which so vitally concerns the character of their proceedings, and their silence combines with their disavowal of the principle of these Schools to create distrust.

They are equally silent as to my statement of the manner in which these rules were introduced.

I stated in my Report (page 41, &c.) that the Board new-modelled their rules in 1843, recognizing therein,† for the first time, the right of excluding religious instruction from the schools. I stated that *so far as we know*, the Board did not communicate with the Lord Lieutenant on the subject, contrary to all their former practice and professions.

I stated also that these new rules were not noticed in their Report to the Lord Lieutenant, or in the returns to parliament ; that they were inserted in the appendix, with a note prefixed, specifying the contents, so as to render it impossible to suspect that any new rule had been introduced, and that the opportunity of

* This letter is subjoined to the Report to the Bishop, see p. 8.

† Schools not excluding religious instruction, yet not admitting other religious teachers, were suffered to exist before, by connivance at the non-observance of the rules, but there was not any sanction of their principle or practice in any preceding code of rules, much less of the total exclusion of all religious instruction. (See Meath Report, p. 37.)

so prefixing this note had apparently been made for the purpose.

These were statements calling for explanation or answer as much as anything contained in my Report ; but respecting these circumstances the Commissioners are silent.*

They do indeed maintain that they ought to have a discretionary power of framing or altering regulations as to details, as if this evident maxim had been denied. So far as we know, it has never been questioned ; we think that it has been too much restricted by themselves ; but the above statement certainly questions the manner in which that power has been exercised. Formerly the Commissioners made public in their Reports the exercise of their discretionary power, and no one complained ; but in this instance, if the facts above stated be correct, (and the Board have not denied them) they made their Report so as to prevent Parliament or the public from knowing or suspecting that they had exercised any discretionary power at all. It is of this concealment we complain, and not of their making alterations. The change in itself is an improvement, and if it were not attended with so many unfortunate circumstances, might have had the happiest effect. It might still have such an effect if those errors were corrected, if the alterations were avowed, and made permanent, and

* Some of my own friends have questioned my proofs on this point, thinking it impossible that the facts could be as I have stated. The silence of the Board on the subject will remove their doubts.

if it were understood . that all future changes should be submitted to Government, and be fully and fairly reported to Parliament. This remedy would be more satisfactory to all parties than that suggested by the Commissioners ; " we trust, therefore, that if " any body of Commissioners should hereafter at any " time be found to have made an ill use of their dis- " cretionary powers, a remedy will be sought in the " appointment of other more trustworthy Commis- " sioners rather than in the limitation of that discretion " which we are convinced is indispensably necessary " for the success of the system," (11th Report,—34.)

The Board seem to feel that the exercise of their discretion is brought into question by my statements, yet they do not vindicate it by denying them. On the contrary, that passage may seem to indicate that rather than do so, they would abandon their posts. For my part, I should lament such a result, but the existence of such a resolution (if it exist) would not restore our confidence in the exercise of their discretionary powers.

The Board show a disposition to be offended, even personally, at my statements, which I sincerely regret. Any manner of putting them forward, on my part, which may have tended to produce such a result, I deplore, and am willing to make amends for. I am not conscious of having imputed any corrupt or private motive to any individual, or of having exceeded the usual liberty of commenting on public documents or acts. Of the Archbishop of Dublin I have never spoken but with the high respect which is due to his private character,

as well as to his exalted station : the Provost's amiable character commands esteem. There are others at the Board, among those who agree and those who differ from me in religion, for whom I entertain the highest respect, and whose secession from the Board I should see with great regret. I feel a satisfaction in bearing this humble testimony, and the rather on account of an unfavourable insinuation against my own integrity, contained in a letter of the Board to me.

But in dealing with this question—with the rules and documents of the Board, and their proceedings in their corporate capacity, and the ultimate results—I have to do with what concerns the interests of the Church, and may hereafter deeply affect the consciences of her ministers, and I feel bound to bring out the facts.

Some of those facts might be accounted for by carelessness respecting the documents prepared in their office for publication. These we put forward to shew the unreasonableness of refusing all revision or even explanation. Others, such as the construction of Rule 3, Sec. II.—its admission into the deed—and the permanency of the non-vested system—involve the question whether we can or cannot conscientiously put our Schools in connection with the Board : on these points we have a right to expect an answer, which as yet we have not received.

All these questions it was our sincere desire to have entered upon with the Board in the most private and amicable manner, with a view to a satisfactory adjustment of them ; but, when this

became hopeless, we were compelled to vindicate alike our advances to the Board and our continued separation from them, and, in doing so, to publish the facts.

The Board have practically acknowledged the necessity of dealing with our statements. They have made their own selection of those which they would answer, passing by the gravest and most important. Of those which they notice, they have admitted one : two they hold up to your Excellency's notice, as if complaining of them, and astonished at them, but in sentences so constructed, as to avoid any denial of them : and they have not ventured to meet with an explicit contradiction any one statement put forward in my Report to the Bishop of Meath.

This vindication of those which they have noticed, is now respectfully submitted to your Excellency's consideration, by,

Your Excellency's most obedient humble servant,

EDWARD A. STOPFORD,
Archdeacon of Meath.

THE END.







AN ADDRESS .

TO THE

MIDDLE AND WORKING CLASSES

ON THE

CAUSES AND PREVENTION OF THE EXCESSIVE SICKNESS

AND MORTALITY PREVALENT IN LARGE TOWNS.

BY

WILLIAM STRANGE, M.D. M.R.C.S. EDIN.

L O N D O N :

LONGMAN, BROWN, GREEN, AND LONGMANS:
SIMMS & DINHAM, MANCHESTER: AND CUNNINGHAM & SON,
ASHTON-UNDER-LYNE.

1845.





TO

LYON PLAYFAIR, ESQ. PH. D.

HONORARY PROFESSOR OF CHEMISTRY AT THE ROYAL INSTITUTION, MANCHESTER,
AND
HER MAJESTY'S COMMISSIONER FOR ENQUIRING INTO THE STATE
OF LARGE TOWNS IN LANCASHIRE.

My dear Sir,

You are aware that it was my intention to have dedicated this Address to the whole of the Commissioners appointed by the Government to enquire into the sanatory condition of large towns and populous districts.

An unexpected delay, the consequence of the press of other duties, has postponed its publication until after those Gentlemen have made their final report to the Queen, and fulfilled, generally, the object of their Commission.

As an individual member of that Commission, distinguished for the zeal which you have displayed for the public service in following out your laborious enquiries into the state of large towns in this county, I feel it is with perfect propriety that, with your permission, I inscribe this pamphlet to you; regretting at the same time, that I have not had the advantage of consulting the additional mass of valuable facts and suggestions which are to be looked for in your forthcoming Appendix to the second Report.

I am,

My dear Sir,

Yours very faithfully,

WILLIAM STRANGE.



P R E F A C E .

THE condition of the great masses of the working population congregated together in our large towns, and particularly in the manufacturing districts, as respects their low state of health and excessive mortality, has long been known to a great many intelligent and philanthropic individuals, who have justly regarded the state of the dwellings of the poor,—their insufficient drainage, cleansing, and ventilation, and defective supply of pure water and pure air,—as the main cause of that superabundant sickness and mortality. The government of the country, too, at length aroused by the threatening aspect which a dense population living in the most abject misery, surrounded by every element of physical and moral degradation, presents to the stability of the social and political institutions of the kingdom, has taken up the subject of the sanatory condition of the operative classes in the true spirit of paternal solicitude. A commission has been appointed to enquire into the extent and causes of that excessive amount of disease, destitution, and mortality, which has been revealed by the labours of Mr. Chadwick, assisted by those of the whole body of the union surgeons in England, and by many of the most eminent practitioners in Scotland. That Commission has made its first report, amply

confirming, with additions, the conclusions which had been drawn by Mr. Chadwick, from the data furnished to him, as to the imperative necessity of some legislative interference for the protection of the health and lives of the poor.

To the great bulk of the people, however, it is to be feared that both the evils of the present state of things, and the great good which would accrue from a well-directed and efficient system of sanatory regulations, are either unknown or but little attended to. Prejudice, and misconceived interest on the part of the owners of property, apathy and ignorance on the part of the higher classes of society, and that abject submission to evil, the effect of long continued depression, by which the very poor are characterized, have long blinded the eyes of the public to a state of things which involves in so great a degree, the health, comfort, and moral and physical improvement of the middle and working classes.

Whilst such is the state of the knowledge possessed by the great majority of the population, no provisions which the legislature may institute for the better regulation of those circumstances which affect the public health, can be productive of their legitimate and proper effects. The public mind must be enlightened as to their nature, policy, and necessity. The vast amount and wide and spreading tendency of the evils must be pointed out, and the economy and saving both of life, health, and money, which would result from their removal, clearly demonstrated to them.

It cannot be supposed that when the more intelligent portion of the operative classes is made aware of the dreadful amount of sickness and waste of life, of the domestic misery and dis-

comfort, together with the rapid deterioration of the physical and moral condition of their order, which are clearly traceable to causes admitting of removal, they will not heartily join in the desire to see such administrative measures as are calculated to effect their removal or amelioration carried into immediate execution. The voice of the intelligent, of the moral, of the philanthropic, is the voice of the nation. This has but to be raised energetically against the persistance of so great evils, and their removal is certain.

The object the author has in view in publishing the present pamphlet, is to further the efforts now being made by the Government and by other parties to accomplish their benevolent purposes. He has endeavoured to treat the subject in a plain, but, he trusts, sufficiently logical and convincing, manner. He has made every available use of the various statistical data within his reach, and especially of the Sanatory Report of Mr. Chadwick, and of the first report of the last Commission of Sanatory Enquiry, as the highest authorities upon the subject; whilst he has drawn largely from his own experience of the habits and condition of the poor, furnished by the practice of a large public medical institution.

Ashton-under-Lyne,

February, 1845.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

A D D R E S S.

THE march of civilization and human improvement by which the present age is distinguished is in no particular so evident as in the great and increasing consideration which plans for the amelioration of the physical and moral condition of the lower orders of the people have obtained with the great and powerful of the land. Until lately, (in England, at least), questions involving the well-being and comfort of the great body of the people, when they have had no immediate bearing upon the interests of the possessors of power, have been considered as of too little importance to enter into the councils of so great a nation, and accordingly, its legislators have not made it their study to possess themselves of any knowledge of them.

But a high state of civilization implies, that the inhabitants of a country so distinguished have not only attained to a high degree of political freedom and of moral power, but that they are in the possession of a large amount of physical comforts and enjoyments. It will not be denied that a state may arrive at a very high pitch of political power and consideration amongst the kingdoms of the earth, whilst the body of its people, the strength of the nation, lies sunk in abject degradation and slavery. In like manner, a state may be overflowing with wealth and abounding in all the arts and appliances for material comfort and enjoyment, and yet the bulk of the population may remain in the most barbarous ignorance, poverty, and rudeness.

If these opposite conditions may coexist with regard to political influence and power, to wealth, refinement, and elegance, the very same may be predicated of the sanatory condition of the people. Whilst the standard of life amongst the wealthy and enlightened portions of the community is higher in England than in any other country in the world, the lower orders of the people are so enveloped in the sources of disease and death, that, taken in the mass, they present a rate of mortality and a liability to disease not exceeded by that of the working classes of any other European nation.

Greece and Rome fell by the accumulation of power in the hands of the few to the enslaving of the many; Egypt, Tyre,

and Carthage, by the amassed wealth and grasping avarice of their ruling princes, whilst the millions were impoverished. The same conditions have operated in France in modern times, and they have all but operated in England. Let us beware lest, whilst a select few are basking in the enjoyment of riches, refinement, and health, the many be left exposed to the scourges of poverty, disease, and death, until despair take the place of contentment or of apathy, and the fabric of society be shattered in their desperate effort to seize upon the comforts and advantages of their more fortunate brethren.

It has been asserted,* that whilst the upper and middle classes of the community have prodigiously advanced in wealth, in luxury, and in the materials of social and domestic comfort within the last half century, the working classes have not participated in this improvement in any thing like an equal degree; but that nearly the same amount of misery, disease and destitution, exists amongst them as formerly; that, with increased toil, there is an increased difficulty in procuring the necessaries of life. This is not exactly true. It would be wrong to say that the industrious mechanic or factory operative has participated in *all* the advantages which have accrued to the two superior classes of society; but it may be confidently asserted, that in point of lodging, in dress, in quality of food, and in various other matters of convenience and even of luxury, he has made an equal progress. Amongst the manufacturing population there are hundreds of families whose earnings amount to from two to three, and, in some cases, even to four pounds a week; which, when carefully managed, must and does provide for them clothing equal to what their employers wore twenty years ago; and cottage accommodation where convenience, room, comfort, and even elegance abound. Their food, instead of the mess of potatoes and brown bread of their forefathers, is composed of a sufficient quantity of butchers' meat, bacon, cheese, fresh butter, &c., together with groceries in an equal degree to what can be procured by many of the middle classes.

At the same time it must be admitted, that there is a lower class of workmen, who are less skilled, less provident, or perhaps less fortunate in obtaining good employment than those above-mentioned; who, with total ignorance to begin life with, and having no means of bettering their condition, live neglected, not only by their employers, but even by the superior orders of their own class. They are congregated together in the most miserable and comfortless dwellings, in narrow, dark, and unventilated streets, where no attention is paid to security against damp and noxious exhalations from the soil, nor to provide for

* See Speech of Lord John Russell, end of the Session, 1814.

scavenging and sewerage. Around this over crowded population, an atmosphere of pestilence is generated, which the absence of all feelings of decency and cleanliness allows to stagnate in and about their dwellings, until the most malignant forms of epidemic and endemic diseases are produced, propagating themselves from house to house, by means of a poisonous contagious matter, which in the open and pure air, and in cleanly districts, would be harmless.

This, the lowest stratum of what may be called the useful part of society, forms in large towns a considerable proportion of the population ; and it may truly be said, that the advancement in the arts of social and domestic life, and in the ready attainment of physical comforts, which the higher, middle, and superior portion of the working class, have almost equally participated in, has not been made for them.

This unfortunate section of our working population, for which the public sympathy is especially required, will be found to inhabit the old delapidated parts of large towns, which, once the residence of the wealthy, have long ago been deserted by them for more salubrious localities ; or they are crowded into small and comfortless cottages in the outskirts, or in dense masses of lanes and alleys in the more recently built manufacturing towns. These cottages have been run up by greedy speculators in human misery, with the least possible amount of convenience or attention to salubrity, and at the lowest possible cost ; the only object of the proprietor being the extraction of the largest amount of rent from those who are unable to procure or to afford more comfortable dwellings. Scarcely any regard is taken, on the building of these cottages, to the state of the foundation, or the surrounding soil ; the drainage is neglected, and consequently such houses are almost always damp ;—one very great auxiliary to uncleanly habits in the inmates. The filth and refuse is allowed to accumulate close to the doors and windows of the apartments, until putrefactive changes evolve an abundance of gas and effluvium, as destructive to health as they are unsavoury to the senses.

Not only is this the condition of a large portion of the working population of large towns, but there is also a lower order of persons which ought to be separated from the working, and therefore useful part of the people ; as a class, they are composed of the very dregs of society, and their condition as regards their dwellings and domestic arrangements is still worse than that which I have above described. Into their condition however it does not come within the purpose of this essay to inquire.

The labouring population in the agricultural districts too, it must be admitted, have participated in a very trifling degree in

that amelioration in physical and moral condition, which their richer neighbours have enjoyed. Their clothing, from the cheapness of it, of late years, may perhaps be somewhat improved, and their food in some instances may be more nutritious than that used by their forefathers; but still improvement in one respect has been purchased by sacrifice, and deterioration in another; and they have often to pay an excess of rent for better cottage accommodation, and for better clothing they must often stint themselves and families in food.

Health is the child of peace, plenty, and contentment. Idleness and dissolute habits are the parents of poverty, disease, and physical degeneration. In proportion as a population advances in the acquisition of domestic comfort, in the command of the necessities of life, in independence of character, and in intellectual improvement, so will the standard of health be raised, and the length of life (*ceteris paribus*,) be increased. The more the necessities of life abound in the cottage, the greater will be the amount of conveniences and of luxuries procured; the greater will be the attention to order, cleanliness, and personal respect.

Accordingly, we shall presently see, that amongst the wealthy and well educated classes, the advance in health, in length of life, and in animal enjoyment, has kept pace with their rapid progress in civilization. Amid the progress of the other sciences, that of medicine has not failed to impart the means of ascertaining the essential nature and seats of disease with more precision than formerly, and therefore of applying more rational and energetic remedies for its removal. With the spread of general intelligence amongst the public, the constitution of our bodies and of the physical agents upon whose conditions and actions the state of our health so much depends, have been more studied and attended to; and by consequence people are more alive to the warnings of coming sickness, and to the proximity of noxious agencies.

In all this amelioration of our social and physical condition, a great many of the superior orders of the working class have participated in a degree, if not equal, at all events not much inferior to that of the two upper classes of society. The under-stratum, however, consisting of the less educated, less prudent, or more reckless of their brethren, have, by their supineness, allowed these great benefits to escape them; or else, like unfortunate Tantalus, whilst ever gasping for the vital fluid, have, by the hard fatality of circumstances, never been able to taste a single drop.

The condensation of vast numbers of the working population within very narrow limits, the result of that manufacturing and commercial prosperity which has caused such a rapid

increase in the population of those towns and districts where that prosperity has had its seat, has been the origin of much of the misery and disease which abound amongst them. This rapid increase of population has been effected in two ways:—first, by the encouragement given to the increase of the native population by the abundance of employment, and secondly, by the immigration of people from the rural districts, attracted by the high rate of wages to be obtained in the manufacturing towns. For this increase in the number of inhabitants, no sufficient accommodation was simultaneously afforded. The new comers were therefore cast upon the already sufficiently dense population, lodged in badly constructed houses, and narrow and filthy streets, where dirt, disease, and profligacy soon removed whatever feelings of decency and habits of order and cleanliness might have been possessed by them.

The proximity to recklessness and improvidence is subversive of the good habits of the well disposed. Vice, like pestilence, propagates itself by contagion; therefore the well intentioned, the frugal, and saving, attempted to locate themselves in neighbourhoods removed from the great mass of the lower orders. For them a better class of houses and streets were erected, chiefly by their employers; consequently cleanliness could be more easily practised; order, neatness, and comfort more attended to; intemperance more shunned; and thus, whilst their earnings might be no larger, their comforts were more numerous and their health improved.

Whilst the vast impetus given to the commercial and manufacturing energies of this country since the cessation of the revolutionary war in Europe has created new towns and greatly enlarged many old ones, whereby what were lately villages have become important towns of thirty, forty, or even sixty thousand inhabitants, rivaling in extent and importance places formerly ranking as provincial capitals; no adequate provision has at the same time been made for securing the health and the moral and physical well-being of the numbers thus crowded together. As if the whole energies of the mercantile spirit of the nation had been bent upon pushing our commerce into every corner of the world, ministering to the wants and conveniences of its most uncivilized inhabitants, no spare thoughts or sympathies were turned upon the producers of that wealth, which it was so busily employed in diffusing abroad. From all parts of the kingdom did the people flock, invited by the tempting amount of wages to be got in the new species of employment. From the agricultural districts, families who could scarcely keep themselves out of the workhouse, here found that abundance of employment and of food which they in vain sought for at home. From Scotland and from Ireland the people flocked, too glad to leave behind

teach it the necessity of economy
day of aiversity. So that when
employment, and dear food came
no habits of economy, no consci-
of what to give up and what to
from the squandered means of
mutual distrust between employe
cordiality and unity of purpose b-
ness and often hatred. The poor
the cupidity of the rich, and abus-
not wanting. Then were heard th-
the established order of things, t-
change the mode of government,
country; all emanating from a se-
from a restless desire to seek for it.

It is doubtless a characteristic
when its energies are thus strongly
particularly when the moral feelin-
severance in that one pursuit as the
subjects, which seem to bear but
gain but little hold upon it. Were
wished that some portion of that ex-
now contemplates a complete amel-
the whole labouring population, had
of those evils whose rapid accumulat-
Some excuse must however be mad-
and poor, employers and empl-
to the former.

evidence to prove that a vast amount of the disease and mortality, as well as of the misery and destitution prevalent amongst the poor, is to be attributed solely to the operation of *removeable* causes. It would be culpable in the extreme, for any government professing to have the welfare of its subjects at heart, to permit the continuance of any part of those evils which the investigations of the Commissioners have proved to be removeable. We may therefore hope to see some effectual legislative measures proposed in the forthcoming session of parliament, which shall have for their object the securing to the labouring classes a sufficient supply of all those vital necessaries, such as pure air, pure water, and the means of maintaining cleanliness and health in their dwellings, which the wealth of the upper classes can easily command, but which the unprotected poor are now deprived of.

Such a measure might at first appear to interfere too much with what are called individual rights, and it may therefore encounter much opposition from interested and selfish parties; but as in all similar cases, these must give way to the natural and reasonable rights of the whole community.

There is, however, a great degree of ignorance and apathy on the part of the very people to be benefited by such a measure, which will stand much in the way of solid and useful improvements. Disease and death become familiar to the wretched denizens of the more unhealthy portions of our large towns, and their occurrence is looked upon either as a necessary condition of human life, or as a visitation from a too severe Providence. The constant association with all kinds of uncleanliness, of indecency, and of recklessness, debases the best intentioned mind, destroys its aspiring energies, and makes it yield to despair.

It is the intention of the author in the following pages to lay before the public, and the working part of it in particular, a faithful picture of the ravages of disease and death, which, whilst no portion of society is free from, seize upon the poor and destitute with redoubled force. No powers of description can overdraw this horrid picture. All its extent cannot be shown, because all cannot have been seen by any other eyes than those of the wretched sufferers. It will be his object to point out how completely a vast amount of this misery may be removed by well directed efforts on the part of the government, of the wealthy, and of the poorer classes themselves. How much may be saved to the harassed feelings of parents bereaved of their children, and of orphans whose parents death has prematurely carried off. How much the tone of mind may be raised, and the spirit of independence roused, whilst the physical health is improved. Lastly, how much saving in money, and money's worth, may be effected not only to each individual, but to the nation generally.

It will also be considered what are the causes of the present bad state of things, and how they may be removed and their recurrence prevented.

The population of England and Wales in 1841 was 15,906,741, and the registered deaths in the same year were 343,847, or rather less than two and one tenth per cent.

This proportion is larger than what was the case thirty years ago, the rate then being 1 in 50, now it is 1 in 46. At first sight this fact might seem to oppose that general impression, which is entertained of advancement in the arts and conveniences of living, and in the means of preserving health. We shall however, have abundant reason to know that it is a circumstance which has arisen contemporaneously with that advancement in the arts and sciences, and which has in some measure flowed out of it.

Within the last thirty years the town population has far exceeded that of the rural districts in rapidity of increase. In some instances, the towns have doubled and trebled the number of their inhabitants, whilst the rural districts have scarcely increased theirs at all. In 1841, the proportion of town population to that of the country, was twice as great as it was in 1811; and consequently all those malignant influences which dense and crowded towns exert upon the health and the lives of their inhabitants have been brought into more extended play.

Another circumstance, strictly connected with the former, has had its influence upon this increased mortality. By the rapid extension of manufactures and commerce, and the consequent demand for labour, encouragement has been given to very early marriages amongst the operatives, and by consequence, a larger number of children have been produced, only to die under the inimical effects of ignorant nursing, bad feeding, and bad air.

That this is the correct solution of the problem of increased mortality taking place in this country contemporaneously with the most rapid improvement in the arts and appliances of civilized life, and in the means of extending physical and mental enjoyment which the world has ever seen, will be evident when we examine the different ages at which the several portions of the population die.

The average duration of life amongst the gentry has increased between 1811 and 1841, as it has also amongst the labouring population of the *rural* districts. That of the operative and poorer classes inhabiting large towns and thickly peopled districts has diminished in a much larger proportion, and hence the cause of the fall in the average length of life of the whole community.

The increased rate of mortality and deterioration of human

life which marks the present quarter of a century, will be found to vary much, both in differently situated localities, and also in different parts of the same town. Uniformly, where there is the greatest crowding of the inhabitants into a small space, where the free circulation of pure air is the most obstructed, where the individual dwellings are low, small, and damp, and where filth and refuse are allowed to accumulate in and around the dwellings, there exists the highest rate of mortality, *whatever may be the occupation or rate of wages of the inhabitants.* Death may be predicted in exact proportion to the absence of the first necessary stimulus to life, fresh, pure air; and the numbers of its victims will bear an arithmetical ratio to the number of beings in a house, street, or square acre. The following table will make this very apparent as regards the difference between thinly peopled counties, and those in which are seated our largest cities and most populous towns.

It may be premised that of the two and one tenth per cent. or 21 per thousand, of the population who die annually in England and Wales, 14 are carried off by causes which will hereafter be seen to be removeable. The counties are divided into two classes, viz.—those in which the deaths from preventible causes are below the average of 14 per 1000, and those in which they equal, or exceed it.*

* See Mr. Chadwick's Sanatory Report.

Hereford	8
Cumberland	9
Lincoln	9
Rutland	9
York, N. R.	9
Huntingdon	10
Norfolk	10
Buckingham	11
Devon	11
Dorset	11
Kesex	11
Hertford	11
Surrey	11
Sussex	11
Cornwall	11
Derby	11
Cambridge	12
Oxford	12
Northampton	12
Nottingham	12
Shropshire	12
Somerset	12
Suffolk	12
Wilts	12
Stafford	12
Westmoreland	12
Northumberland	12
Bedford	13
Kent	13
Leicester	13
Gloucester	-

All entirely or chiefly agricultural
 Cumberland, Derby, Nottingham, Stafford, Westmoreland, Northumberland, and
 Leicester partly manufacturing.

agriculture forms the principal employment of the people; still less so, however, in those counties which are at the bottom, as Leicester, Gloucester, Warwick, and Durham, than in those at the head of the list, as Hereford, Lincoln, and Rutland. Situation as regards climate has nothing to do with determining the rate of mortality, (in this country at least,) as it will be seen that the cold bleak hills of Cumberland, and the fenny flats of Lincolnshire are superior in respect of salubrity, even to the sunny counties of Devon and Dorset, and inferior only in a slight degree to the fine agricultural county of Hereford.

Neither can we gather from the foregoing table any facts to bear us out in the assertion that manufactures *alone* produce this superabundance of mortality; since Middlesex, from its containing the largest proportion of town to country population is *therefore* the highest in the scale of mortality. It is a well ascertained fact, that the greater the proportion of town population to the inhabitants of rural districts, the higher does the rate of mortality range; and this again in the proportion which the numbers of the working people bear to the middle and higher classes.

Gloomy as this fact must appear to the mind of the reflecting operative, yet there is no cause for despair. It has been well observed that these are evils of man's own making; and therefore it would be folly to settle down under the depressing conviction that it is the will of an all-wise Providence that the inhabitants of our large towns, in exchange for those privileges which they enjoy over the rustic population, should exhaust their short span of life more quickly, and be exposed in its course to more of its diseases and miseries. Providence has indeed fixed a natural limit to the term of existance of our species, and but very few individuals are allowed much to exceed its bounds. At the same time, he has appointed diseases and plagues to commit their ravages upon us in order to rouse us from our ignorance and barbarity; to stimulate us to use our faculties for their prevention, and for the elevation of our physical and moral nature.

Some, too ready to make one supposed misfortune the peg upon which to hang all their other ills, many say that poverty, and labour, and those other hardships which they have to endure, are a sufficient reason why the poor generally, but particularly those of large towns, are the most exposed to the inroads of disease and death. This assumption is not more consonant with established truth than the former, whilst it far exceeds it in impiety. That an all-wise and merciful Providence should deal out to the poor, whom we are taught to believe are in an especial manner his children and his charge, an excess of those infirmities of our nature which are beyond our own control, is at the least, contradictory to what we know of his attributes, as well as

to sacred scripture. So far from this being the fact, the frugal and industrious labourer, whose food is simple and mind content, has far more chance of enjoying health and long life than the pampered rich; *provided that all those causes which destroy his domestic comfort, his morals, and his health, with which the imperfect state of society surrounds him, were effectually removed.* The following table will verify these assertions.

*TABLE OF THE AVERAGE AGE AT DEATH OF THE THREE DIFFERENT CLASSES OF INHABITANTS IN MANCHESTER, AND IN THE AGRICULTURAL COUNTY OF RUTLAND.

	Manchester.	Rutlandshire.
	Years.	Years.
Professional persons, gentry, and their families	38	52
Tradespeople, and their families, (in Rutland) farmers and graziers are included with shopkeepers).....	20	41
Mechanics, labourers, and their families.....	17	38

So that the agricultural labourer of Rutlandshire, and of other similar counties, enjoys just the same length of life and immunity from disease as the rich millowner of Manchester; whilst the Manchester operatives, whose wages are at least double those of the country labourers, and who possess also many other advantages in the greater command of medical advice and other conveniences which sickness requires, live less than half the time of the agricultural labourer.

AVERAGE AGE AT DEATH OF THE VARIOUS CLASSES OF PERSONS IN THE FOLLOWING LOCALITIES :

	Rutland.	Wiltshire.	Kendal. (Union of)	Derby.	London.		Leeds.	Manchester	Bolton.	Liverpool.	Ashton- under-Lyne	
Gentlemen, and professional persons, and their families.	52		50	45	49	45	44	44	38	34	35	30
Farmers, tradesmen, and their families.	41		48	39	38	27	29	27	20	23	22	21
Operatives, labourers, servants, and families.	38		33	34	21	22	26	19	17	18	15	16

* This, and the data for the next table, are from Mr. Chadwick's Report.

Thus the average length of life of the gentry ranges from 52 years in the county of Rutland, to 30 years in the town of Ashton-under-Lyne; and the age attained by the agricultural labourers of Rutland exceeds that of the gentry of Liverpool, Bolton, and Ashton, and exceeds also that of the tradespeople of many of the large towns.

Another convincing proof that the physical circumstances in and around the different localities are to blame for a great proportion of the superabundant mortality, is derived from the fact, that the shopkeepers, who as a class, may be said to obtain a nearly equal amount of the necessaries of life, although they differ much in the use of luxuries, present as great a variation in their average length of life as do the poorer classes of the community. Thus, the tradespeople of the counties of Wilts, Westmoreland, and Rutland, exceed the average of the gentry of nearly all the manufacturing towns; whilst the shopkeepers of these latter towns fall below even the agricultural labourers.

The dreadful waste of life in large towns is greatly augmented by the excessive mortality of young children; and it is mainly by the excessive degree in which this prevails in such localities that their general rate of mortality so much exceeds that of the rural districts. The impure atmosphere of large towns is much more inimical to the delicate constitution and weak powers of young children, than to those of maturer age. The rapid changes which are constantly going on in their frames require not only that the food of children should be of a nutritious description, but that every other natural agent by which their vital powers are effected should be applied in its proper degree of purity and force. Warmth, and pure air, are as necessary to their existence as food; and cleanliness and exercise scarcely less so. In the lowest and most filthy parts of our large towns, and especially those in which there has been the most rapid increase in the population, such as Manchester, Liverpool, Leeds, Birmingham, Bolton, &c., all those evil influences which result from the vitiation of the vital agents are found to operate with their greatest force. Families who live in poverty indeed, but in cleanliness and the enjoyment of pure air and exercise in a rural village, will rear twice as many children as the operatives in towns; and the children of the former, when brought into a crowded neighbourhood at a tender age, rapidly fall victims to its morbific influence.

But not only have we to lament the many children so prematurely carried out of existence, but even those whose harder frames resist the powers of death, have often their constitutions so deteriorated as to make them feeble and inefficient members of society. Upon them, in after life, does the force of epidemic and contagious diseases expend itself. Inheriting a

weakly constitution from their parents, shattered by the diseases, which, if they have not destroyed, have undermined their health, they present an easy prey to fevers, small pox, consumption, cholera, and the numerous diseases of the digestive organs which abound in their polluted localities.

The fact that very nearly one-half of all the children born in this country die before they attain five years of age, furnishes matter for deep and mournful reflection. One is tempted to enquire to what end are all these miserable beings brought into existence? Why are their parents doomed to suffer all the pangs and tears of grief, so soon after the scarcely less painful anxieties attending on their birth? Does it not seem as if Providence sometimes does things in vain, when so many millions of beings susceptible of the vivid impulses and thrilling joys of youth, and of all the nobler purposes of mature age, are snatched away at a period when they cannot have tasted even the sensual pleasures of mere animal life? It would be wicked, however, to argue in this manner; and facts deducible from the statistical data furnished by the mortuary registers, forbid our charging this evil to the designs of Providence.

Mr. Chadwick, in the Sanatory Report, has compiled tables from the data furnished to him by the superintendent registers, in different parts of the kingdom, which show upon what class of the community and in what localities this excess of infantile mortality falls. Of a fair proportion of manufacturing and agricultural, as well as of mere town population, viz., Manchester, Leeds, Liverpool, Bath, Bethnal Green and Strand unions, London, Kendal union, and the counties of Wilts and Rutland, 1 in 5 of all the deaths amongst the gentry were of children under 5 years of age; of the tradespeople, one in $2\frac{1}{4}$; and of the labourers and artizans, 1 in 2.

In Liverpool, Dr. Duncan reports that the average number of deaths under five years of age, is 52 and eight-tenths per cent.; and in Ashton, according to Mr. Coulthart's Report, it is 57 per cent.! Nor does this give a correct idea of the whole amount of the evil; for be it observed, this is the average of *all* classes of the population, whilst we know that if the deaths of the children of the poorer classes be alone taken, in many instances it would mount up to 66 per cent. or 2 out of 3!

To make it more apparent how much more the poorer classes suffer from this scourge than the rich, I give the following table.

TABLE OF THE PROPORTION OF DEATHS UNDER FIVE YEARS OF AGE TO THE TOTAL DEATHS IN DIFFERENT PARTS OF THE COUNTRY, AND AMONGST THE THREE CLASSES OF THE COMMUNITY.

Out of every 100 deaths there are of children under 5 years old, belonging to—

	Gentry, Professional Persons, &c.	Farmers, Tradesmen, &c.	Operatives, Labourers, Artizans, &c.
In Manchester	33	50	50
Leeds	20	50	50
Liverpool	33	50	66
Bath	9	25	50
London { Bethnal Green	20	50	50
Strand	17	33	50
Kendal (union)	14	25	33
County of Wilts	11	14	33
, Rutland	25	33	33
Average	22½	35	52

After five years and up to 20, the proportions of deaths which take place in the three classes of the community approximate much more nearly to one ratio; and in fact there appears to be a less proportion of deaths above 5 years and *under* 20 in many of the town districts than in the country; but this is amply accounted for by the previous mortality of infants, leaving a less proportion to attain that age. Few, comparatively, of the working classes attain a higher age than 60 years, because so many of them are cut off in infancy and youth. Whilst amongst the gentry old age is much more frequent. The great age at which many of the English nobility die, is a proof that the greater respect in which temperance and rational habits and pursuits are now held by them, together with the attention such persons usually pay to their health, have had their proper and legitimate effect.

If we now turn to contemplate the circumstances under which this excessive mortality of the middle and working classes takes place, we shall find that they owe their origin to that new state of things which has so lately sprung up amongst us, in which vast numbers of people are congregated together within more and more narrow limits. This is the age of great cities. Every year the population of this country increases to an extent equal to the formation of one of our largest towns; the want of accommodation is therefore every year becoming more pressing. The swarms of people who have been invited to the manufacturing districts either by the solicitations of the masters, or by the prospect of high wages, have been precipitated upon the

already dense mass of the native inhabitants, and, by their prolific offspring; these evils have continually increased. It is now thirteen years since Dr. Kay (Shuttleworth) drew the attention of the public to the low state of the sanatory condition of the factory workers in Manchester, and to the necessity of some legislative measure to improve their domestic and moral condition. Since then, that town has nearly doubled its inhabitants and wealth, and still most of the evils he then deplored remain unabated.

At the time Dr. Kay (Shuttleworth) wrote his pamphlet, men were just recovering from the consternation into which the visitation of the cholera had thrown them; and hopes were entertained by philanthropic individuals that so solemn a warning would not pass by unheeded. Dr. Kay, writing to Dr. Chalmers, remarks, "You must perceive how the constant presence of this new danger will eventually effect the public mind. Boards of health, established in conformity with the orders in council, will become permanent organized centres of medical police, where municipal powers will be directed by scientific men to the removal of those agencies which most powerfully depress the physical condition of the inhabitants. But I chiefly depend upon the strong impression made upon the *public mind*, when I confidently expect that the singular energy of this restless era, will be directed to promote, not only by general enactment, but by individual exertion, every scheme devised for the moral elevation of the working classes." "This expectation will not be blighted, since every event combines to prove that we have arrived at a great moral and political crisis. The object of government is universally acknowledged to be the happiness of the many, and every interest is staked upon its right administration."

The danger, however, passed away, and with it the exertions of the government and of the public to prevent its return. Years have since elapsed, and the sanatory condition of our large towns has progressively deteriorated. The energies of the government have been expended in extending our political power, or in advancing the interests of our commerce; whilst the public money has been lavished in every species of internal improvement which could economize time and labour, and promote the comfort and convenience of the more favoured classes. Meanwhile the wretched purlieus of Manchester, of Liverpool, of Leeds, of the Metropolis, have till lately occupied no part of its attention. But the cry of the wretched has at length been heard. Men of education and refinement have at last been induced to make themselves acquainted with their ruder, but equally useful neighbours. It is no longer thought an unfit subject of conversation in good society to refer to the condition

of the poor. The rich inhabitant of a lofty and airy street, no longer considers it "ton" to be ignorant of the existance of the poor denizens at his back door. The general registration act has been the great means of bringing under the eye of statesmen the localities in which disease and death, and poverty and crime, are the most rife; and it has enabled the administration to direct its enquiries into the very places most requiring investigation.

The enquiries into the condition of the working classes, which have been so ably executed by the gentlemen appointed by the Poor Law Commissioners, and also by the last commission of sanatory enquiry, have furnished accounts of the dreadful state of certain parts of almost all the large towns and populous villages in the kingdom. In those portions of such towns which are occupied by the poorer part of the community, the greatest inattention, both on the part of the local authorities and of the inhabitants themselves, to the first requisites of health were found to exist. Pent up in dense masses in narrow and filthy streets, which admitted no sufficient supply of fresh air, the squalid denizens of these pestiferous localities were huddled together in damp and dark dwellings, often in cellars, without the smallest means of ventilation except by the one entrance. In these places are found the lodging houses where the lowest and most depraved portion of society have their haunts. In some cases thirty, forty, or even sixty individuals sleep in one miserable lodging house, with room and air sufficient only for from five to ten persons. Here are to be found the greatest number of the cases of malignant and contagious diseases, and the highest rates of mortality. The records of the London Fever Hospital are stated by Dr. Southwood Smith, physician to that institution, (and whose zeal in the cause of the poor deserves their warmest gratitude,) to furnish evidence that for generations past the greater number of cases of typhus fever have been brought from the *same* localities. In them fever is *always* present; so that they have obtained the name of fever districts. In addition to the dreadful amount of disease always raging there, they are particularly liable to the inroads of any epidemics which may be prevalent at the time, such as small pox, measles, scarlet fever, &c. Similar *fever districts* exist in many of the large towns, as in Edinburgh, Glasgow, Liverpool, Leeds, London, &c.; and in the low, damp, and crowded parts of most of the small manufacturing towns.

In Glasgow, Dr. Arnott states, that nearly one-sixth of all the cases of fever which were brought to the infirmary in one year, came from one such locality as I have above described.

So reckless has the familiarity with disease and death rendered the inhabitants of these filthy districts, that considerations of health seldom enter into their minds when choosing a dwelling.

Dr. S. Smith mentions a case which came under his knowledge whilst making his investigations, as to the prevalence of fever amongst the poor of Whitechapel and the neighbourhood. In a small house of four rooms, he found that "in one of the rooms on the ground floor, there were *four* persons ill of fever; in the other room on the same floor there were at the same time, *three* persons ill of fever; and in one of the upper rooms there were, at the same time, *three* persons ill of fever; and in the fourth room, no one was ill at the time. The parish surgeon found that *different families had in succession* occupied these rooms and become affected with fever; that one set of people had gone in, became ill of fever and died; that another set of people had gone in, and been in like manner attacked with fever and died; and that this had occurred several times."

Not only is it in the obscure dens of the most neglected and despised portion of the community that all sorts of contagious and endemic diseases exist in excessive degree, but considerable parts of almost every large town, inhabited by regular workmen, whom improvidence, misfortune, or lack of skill keeps in a lower sphere than their more provident or more talented brethren, present similar evils arising from the accumulations of filth and refuse, the stagnation of impure air in and around their dwellings, and inattention to personal cleanliness and domestic management. The condition of the dwellings of the Manchester operatives is scarcely improved since Dr. Kay (Shuttleworth) drew public attention to it thirteen years ago. Many new streets have been erected in the outskirts of the town, which might have commanded a ready access of pure air, and other means of improving the sanatory condition of their inhabitants. These dwellings, however, have in many instances been run up by greedy speculators, more studious to obtain a high return for their capital than to promote the health or comfort of the tenants. The streets are narrow, sometimes closed at one end; the houses often placed back to back, with no proper receptacles for refuse behind; the draining is entirely neglected, and no means are taken to insure ventilation within the dwellings.

In Liverpool, matters are still worse. In that town there are according to Dr. Duncan's report, 1982 courts containing 10692 houses, and 55534 inhabitants. Great numbers of these courts consist of narrow alleys, closed at one or both ends, the houses placed back to back, so that no thorough draught can possibly pass through them. In addition to these courts, there are also 6294 inhabited cellars, containing 20168 inhabitants; exclusive of 621 cellars in courts, containing other 2000 inhabitants. So that it appears that nearly 80000 of the working population of that town, live in courts or cellars, or both.

In the wynds of Glasgow and of the old town of Edinburgh,

there exist dwellings still more miserable and filthy than those of London or Liverpool :—places into which the light of day never enters ; where human ordure and refuse had collected for generations upon the floors and walls, which has never been cleaned in the memory of the inhabitants until the visitation of the cholera caused them to be whitewashed and fumigated at the public expense.

In the smaller manufacturing towns also, similar evils exist, although to a less extent. As their population has increased, a large number of cheap cottages have been erected by speculative builders, or by building societies, altogether deficient in the first requisites for securing the domestic comfort and the health of the inhabitants. Badly supplied with water, undrained, without sufficient back conveniences, and built in forms which effectually exclude the fresh air and light, these parts of the towns are necessarily occupied by the improvident and the intemperate, and are peculiarly the resort of the Irish. It is from these localities that the greatest number of applications are made to the dispensaries, or other sources of charitable medical relief; and here also are the visits of the overseer or relieving officer principally required.

Nor is it in large and densely peopled towns alone that these evils are found. In many of the smallest villages those diseases which are peculiarly the result of bad ventilation, damp, and accumulation of filth, are fearfully rife. In many of the agricultural villages, the cottages are in a very delapidated state, admitting the water through the roof, and absorbing it from the soil. It is frequently the case that a small brook or burn runs through the centre of the village, from which, at the time of heavy rains, the water floats up the causeways, and lays the lower rooms of the cottages under water. These being unsupplied with drains, the exhalations from the mud and vegetable matter left after the subsidence of the water, are peculiarly liable to produce fever, especially of the low typhoid form. The author knows of several agricultural villages in the midland counties, nearly all the cases of fever occurring in which, are in the immediate neighbourhood of a similar stream. Towns which are situated on the banks of rivers, and portions of which are inundated by the overflowing of the waters, are the constant seats of typhus and other continued fevers, as well as of endemic diseases affecting children. Most of these evils might be in a great measure removed by proper administrative measures.

In the cellars of Liverpool, most of which are very damp, on account of their lying below the level of the drains in the neighbourhood, pools of water are often allowed to stagnate in the very rooms used for sleeping in ; and in one miserable instance, a well of stagnant water, four feet deep, the drainings

of the surrounding dwellings, was found under the bed of a lying-in woman!

In these wretched abodes of misery and poverty, all those more formidable diseases which increase in intensity and malignancy in proportion to the number of their victims, such as fevers of all kinds, small pox, measles, consumption, scrofula, and chronic diseases of the digestive organs, abound in a multiplied degree. It is a fact well known to medical men, although the public seem to have hitherto made but small account of it, that epidemic and contagious diseases grow by what they feed upon. So that when any such disease breaks out in those pullulated localities, it continues to increase in virulence until it has gone the round of almost every being susceptible of its attack. The exhalations from the bodies, clothes, and dwellings of the infected, increase in noxious influence as the numbers of the sick increase; and thus the poison, which had it been sufficiently diluted with pure air at the outset, would have been comparatively harmless, becomes of force enough to infect the atmosphere of a whole neighbourhood. Habitual residence in such localities gradually depresses the nervous energies of those who are proof against the immediate attacks of disease. The whole system sinks below the natural standard of vitality, the body becomes debilitated, and the mental powers and moral feelings are blunted, or almost wholly obscured.

From the mortuary registers it appears that two-thirds of the whole number of deaths which take place annually are the result of what may properly be called, preventible diseases. Of the 21 per thousand, only 7 die from old age, accidents, child-birth, and other unavoidable causes; whilst 14 are victims of consumption and the other diseases of the chest; of fever, small-pox, measles, and other infantile disorders, and to affections of the stomach and digestive organs which are generally the consequence of living in impure air.

Of the victims of these diseases we have seen by the table given above how great a number are to be found in the close parts of large towns. In many of the older cities of England and of Europe, epidemic fevers, or plagues, two or three centuries ago, raged every twelve or twenty years, and carried off a fourth, or a half of the population. London, York, Edinburgh, Paris, were then as liable to such visitations as are at the present day some of the old cities of the east—Cairo, Alexandria, Smyrna, &c. Dr. Laycock, in a very learned investigation into the history of the epidemics which have prevailed in the old city of York, from the fifteenth century to the present time, has discovered that the *very same spots* where now fever and the other low endemic diseases constantly prevail, and where the population is the most filthy and the most miserable, were

those in which the plague committed its first and greatest ravages. What is there, he justly observes, to prevent the outbreak of similar pestilences in the present day? Nothing but the large air-ways, in the shape of new and wide streets, inhabited by the wealthy classes, which, running through and through some of the most infected districts, dilute the poison, and render it less powerful to propagate contagion.

The deaths from consumption in England and Wales amount to 60,000 annually, or nearly one-fifth of the whole mortality. Professor Guy of King's College, London, proves that most of these are to be attributed to deficient ventilation in the dwellings and workshops of the operatives. Whilst of gentlemen 16, and of tradesmen 28, 80 in every 100 of the artizans and labourers are carried off by consumption. 5000 of these might be saved by proper sanatory regulations of their dwellings and places of work. Of 238 tailors, whose deaths were registered in the metropolis, 123, or more than *one-half*, died by disease of the lungs; 92 being cases of true pulmonary consumption. The reason of this high rate of mortality occurring amongst the tailors from consumption alone, is to be attributed, and is attributed by them, to the crowded state of their workshops, from which all the fresh air is most carefully excluded, and where the heat and stench arising from their own bodies, and the pressure of the hot irons upon the damp cloth, is suffocating. Those who do not die of consumption are led into habits of intemperance by the depressing nature of their employment, so that between the two, all are soon "killed off." The investigations of the same individual also show that consumption is comparatively more general and fatal, amongst those whose labours are sedentary, than with those who use much manual exercise, even *within* doors; and of those who work in-doors, more die of consumption than do of those whose employment is in the open air. The chief causes of consumption are, as stated by Dr. Guy, "defective ventilation of houses, shops, and places of work."

Scrofula, of which consumption of the lungs is but one form, may be stated to be many times more fatal amongst the inhabitants of the badly ventilated and uncleansed parts of a town, than in the more open, airy, and clean parts of it. The low state of the vital powers, which the constant breathing of impure air, surcharged with deleterious matter, is sure to generate, lays the foundation of all forms of scrofulous complaints:—Consumption, mesenteric disease or marasmus, white swellings of the joints, chronic inflammation of the eyes and of the glands of different parts of the body, water in the head, and idiocy, all of which are scrofulous diseases. It has been asserted by a celebrated French

physician,* that scrofula is *always* an hereditary disease, and that no combination of unfavorable circumstances has the power of originating it for the first time in any individual, but only gives the tendency to propagate it in his offspring. In contradiction, however, to this opinion, may be placed those of the most eminent physicians who have paid especial attention to the origin and progress of scrofulous diseases amongst the poor. Amongst these are included Professor Alison and Dr. Southwood Smith, who have made the diseases of the poor a peculiar study; and Sir James Clark, who has set the matter at rest by inducing the disease in animals by confining them in damp, dark and ill-ventilated places, and supplying them with innutritious food. Great numbers of cows kept in close places for the purpose of supplying milk to large towns, die of scrofulous and consumptive diseases. The horses of our cavalry used also to die in great numbers from similar inattention to ventilation, and a very great expense has been saved since precautions have been taken against it.

But even granting that no combination of unfavorable circumstances, such as close and filthy dwellings, a malarious state of the atmosphere, personal uncleanliness, and indigestible food, (agents which in this country are generally believed to be the most active in producing a scrofulous condition of the body,) can produce the disease in question in individuals exposed to their influence, it is on all hands admitted that the *offspring* of such parents can scarcely escape. It is a law in physiology that whatever permanently depresses the vital powers of the *parent*, acts with double force upon the *offspring*. *Unhealthy* parents have *diseased* children. What is worse is, that even should the children of parents living in such miserable circumstances escape from their influence, and, by reaching a higher position in life, be enabled to seek more salubrious dwellings, they carry the fatal virus along with them; and sooner or later, when the body may be from any cause, temporarily lowered in tone, or the mind depressed, the unrelenting enemy seizes on the opportunity to commit all its accustomed ravages.

The immense number of scrofulous children among the workers in factories, and in crowded workshops of all kinds; tailors, milliners, confectioners, &c.; would with difficulty be credited by the public. Scarcely a child whose parents have all their lives worked in such places is free from the taint. It may be safely asserted that at least one-half of all the operative population and a very large number of the two superior classes of our large towns and manufacturing districts, die of scrofulous diseases.

* Researches and observations on the causes of Scrofulous diseases, by J. G. A. Lugol, Physician to the hospital St. Louis. Paris, 1844.

Notwithstanding the efforts made by the government, by philanthropic individuals, and by the medical profession, to diffuse the blessings of vaccination amongst the lowest orders of the people, by the establishment of vaccine institutions and by extensive gratuitous vaccination, from 6 to 10,000 persons die annually in England and Wales from small-pox! Now that the prejudices of the ignorant are removed, and not even an old Irishwoman objects to the operation, it argues but badly for the good feelings and maternal virtues of the lower classes that so many of them still neglect this valuable gift of Providence. In the town in which I write, to the scandal of the authorities it must be recorded, that the provisions of the vaccination act have hitherto been a dead letter. Not the slightest steps have been taken to give to the poor of this populous district, the benefit of an act, which at least was an honor to the legislature that passed it. Whether this anomaly, for I know of no other town in England where the act is neglected, is the result of a parsimonious care over the rates, or whether the fact of the act in question having been made to work along with the new poor law will account for it, I know not; but the epidemic of small-pox now raging in the town, when it begins to seize upon the superior classes, as is its usual course, will perhaps arouse them from their lethargy.

Like all other contagious diseases, small-pox is most rife among the uncleansed and neglected habitations of the *very* poor. *Ceteris paribus*, its virus operates in proportion to an intensity which is acquired by the number of its victims. Thus we commonly find that in the close alleys and low portions of a town, four or five of a family will be attacked at once, some of whom will probably die; whilst in the more airy and clean parts of it, only isolated cases of a mild nature are to be met with. How seldom do we see a person in the higher ranks of society disfigured by this hideous malady, compared with the number we observe amongst the working classes.

The effects of excessive sickness and mortality are so interwoven with the every-day condition of the poorer part of the working classes, their operation is by so many points, any *one* of which is often inappreciable, that the casual observer is at a loss to comprehend their whole bearing upon the moral and intellectual condition of this portion of society. A careful study of the gradual operation of outward physical circumstances upon the habits of the mind as well as of the body, will lead us to the belief, that their powerful influence must necessarily be greater upon the *ignorant* than upon the *educated* individual. To the inmate of a wretched cellar, in a close, dirty, and dark court, the more airy street and cleaner dwelling of the well-conditioned

operative seem to have no more connexion with that superiority of condition, than does the lofty mansion of the rich merchant, with the education and talent which have enabled him to procure it. The very poor are, for the most part, fatalists ; and they excuse both the supineness which keeps them in poverty, and their murmurings at the greater amount of comfort of their neighbours, by attributing it all to luck. A celebrated amusing writer, who is at the same time a good moralist, has shown how next to impossible it is that any notions of morality at all, or even the common instinct of distinguishing the "*meum* from the *tuum*" should penetrate into the tainted atmosphere of some of the haunts of the lowest criminals and profligates. Where education has never been heard of, where domestic instruction consists in merely teaching the family to depend upon their own resources, where the child is left entirely to the guidance of the instincts of its own nature; warped as they are by the vicious example of those around him, low brute cunning necessarily takes the place of reason, and selfish indulgence that of frugality and foresight. The ignorance of the parents is propagated in their children, and that which they themselves have never felt the want of, nor known the blessings thence resulting, how should they possibly impart, or wish to impart to their children ? Those benighted regions would remain for generations without a single ray of civilization penetrating their darkness, were it not for the activity of cultivated minds around them, who insist upon exploring their gloomy depths and carrying into them the light of knowledge. By the improvements constantly going on in towns also, these haunts of the wretched and the criminal, are continually being invaded by the encroachments of the rich, who want the space for new streets or for public buildings. The inhabitants of such places are by these means dispersed amongst the more enlightened members of society, and are thus gradually mingled with and softened down into the ways of civilized life.

As with the moral, so with the physical state. The inhabitants of the most filthy and neglected portions of large towns, present as great deficiencies in physical strength and corporeal symmetry and beauty, as they do in mental aptness and moral feeling. Not only are they disfigured by various unsightly diseases, but the skin is rendered permanently sallow and coarse by the continual application of dirt and of putrid matter in the atmosphere. The diseased condition of the fluids of the body from the same cause robs them of the ruddy complexion *natural* to the working classes; whilst their untutored minds can throw no ray of intelligence into their glance, nor light up their countenance with a refined expression.

To the children born in the worst parts of large towns, of

parents whom residence in such localities has rendered callous to all the higher feelings of humanity, one uniform fate is certain, unless the hand of the philanthropist, or of the state, be held out to save them. The ignorance they inherit from their parents deprives them of the knowledge that there is anything better or more worthy in feeling, more beautiful or healthful in body; whilst their apathy extinguishes all desire to attain it. The *disordered* condition of the parents' system is brought down to positive *disease* in the offspring; and what was removable in the former, by the operation of better circumstances, can only be palliated in the latter.

In addition to those whose untoward fate it is to be born in these regions of bodily and mental depravity, must be reckoned all those, who, originally possessed of happier homes, have either by vice, improvidence, or misfortune, been cast off by the more favored classes. These take refuge in the lowest, and therefore cheapest, parts of a town; or go to swell the already overflowing inmates of the lodging houses, exposed to the extremes of uncleanliness and all the noxious elements of disease. They soon loose whatever habits of decency they formerly possessed, and overcome by adverse circumstances and bad example, gradually sink into the common herd. To them the occurrence of disease is seldom looked upon as a consequence of the infraction of some of nature's rules,—of their own habits of uncleanliness, or intemperance; consequently no precautionary measures are taken to prevent its recurrence. It never occurs to them that the death of one-half or three-fourths of their family is anything else than a "happy release from a troublesome world," and therefore an event to be thankful for to the "Almighty."

In such localities, and amongst such portion of the community, death is so busy in his vocation, that in 10 or 12 years the whole of an existing population dies off, and its place is supplied by an entirely new set of people. Were the majority of the community in such a predicament, the kingdom would soon be depopulated; for notwithstanding the astonishing fecundity of this kind of population, its mortality is so excessive, as far to exceed what the births can supply. In a smaller degree, the excessive mortality of all large towns is compensated by the influx of the superabundant country population; in which, although the births, compared to the number of people are fewer, a much greater proportion arrive at adult age.

The intimate connexion between the low state of morals and the prevalence of an excessive amount of disease and mortality will be more fully adverted to hereafter. I will merely mention here, that the vulgar notion still entertained by many that the strongest and most robust men are to be found amongst the lowest and most depraved of the population is entirely without

foundation. In opposition to such an assumption it has been proved that the generality of criminals are undersized, ill-made, of weak muscular powers, and notoriously cowardly and destitute of manly fortitude. This is the result as well of the adverse physical circumstances as of the moral destitution in which they have been reared.

Of personal beauty and symmetry of form, few specimens are to be found in the *very* lowest ranks; and generally it may be asserted, that a fine corporeal organization and a high state of education and mental refinement go together. The moral courage of the higher classes, resulting from their superior education, abundant supply of food and fresh air, cannot be disputed. To it we owe that pre-eminence in political power, that enterprize in commerce, which are without a parallel in the history of nations. Their corporeal beauty, high health, and length of life, are not less remarkable.

Wherever a people live in abject poverty, in dwellings from which the light of day and the fresh air of heaven are equally excluded, in communication only with unfortunates of their own condition, without knowledge of anything higher or better in physical and moral being, there they are uniformly a prey to every kind of oppression, and the sport of every designing agitator. The admiring audiences of most of the late unprincipled disturbers of the public peace were notoriously composed of the denizens of the lowest parts of large towns. The more respectable portion of the operatives, who maintained their families in comfort and independence, kept studiously aloof; and unfortunately, but wrongly, received a share of the blame which attached only to those whom the absence of all moral education made incapable of blame. The younger, more sickly, and irritable portion of the inhabitants of the unhealthy parts of large towns are ever the first to take up any riotous and revolutionary course, whilst they are the first to fly before a regular force, or to disavow the acts which have brought them into trouble.*

The increasing number of premature deaths amongst the lower portion of the operative class is constantly tending more

* On this subject Mr. Chadwick observes that "This depressing effect of adverse sanitary circumstances on the labouring strength of the population, and on its duration, must be viewed with the greatest concern, as it is a depressing effect upon that which most distinguishes the British people, and which it were a truism to say constitutes the chief strength of the nation.—The bodily strength of the individuals of the labouring class. The greater portion of the wealth of the nation is derived from the labour obtained by the application of this strength, and it is only those who have had practically the means of comparing it with that of the population of other countries, who are aware how far the labouring population of this country is naturally distinguished above others."

and more to render them a class of mere youths and children. So many of the early members of their families die in infancy, that the surviving children are not arrived at years of discretion when the head of the family is cut off; and independently of the money cost to the community of such an event, (in support of widows and orphans,) the absence of moral restraint, in consequence of the death of the natural protector, casts upon the rising generation, great and accumulating evils.

Moreover, it must be no small loss to the manufacturing and industrial interest of the nation, where so much skill and manual dexterity are required, that at the very period of life when experience is beginning to exercise its wholesome effects both on the moral character and on the bodily strength of the workman, he is so often cut off by the destructive effects of adverse physical circumstances.

To a considerable extent, it must be admitted, the deteriorated condition of the lowest and most miserable of the population extends to the whole working population of our manufacturing towns. The operatives of Manchester and the surrounding districts, are allowed by those who saw them forty years ago, and who observe them now, to have degenerated in physical strength and robust appearance. The rising generation of the present day is a smaller and weaker race than were their fathers and grandfathers.

Where there no means of remedying this state of things, and of leading back the population to its original health and strength, it would be as well to keep this fact in the back ground, and let the people remain in happy ignorance of their degraded condition; but whilst we have it in our power to give to the emaciated operatives of our large towns in some proportion at least, the rosy cheek and firm flesh of the rustic labourer, their real present condition cannot be too strongly dwelt upon.

It would assuredly be a libel on the English character to suppose that the argument for the immediate necessity and expediency of measures calculated to improve the health of the working classes, derived from the existence of so much physical and moral abasement as has been portrayed in the foregoing pages, can be strengthened by the exhibition of the *money cost* both to individuals and to the whole community. Whether we take any section of society or a whole nation, nothing is so much to be lamented or guarded against as the declension of the physical strength, or the degradation of the moral worth of the great mass of the people. Mere poverty, sickness, or rapidity of death amongst any people, could they be found unassociated with moral depravity, recklessness and crime, would of them-

selves be but relative evils; conjoined, as they are almost constantly found to be, they constitute one the greatest blights in the happiness of mankind, and one of the deepest stains upon the glory of nations.

Without regard to any economical results, it is the duty of a state, as well as of an individual, to take advantage of all those lights which the progress of knowledge throws upon its path to lead on those committed to its charge to the attainment of all the physical and mental enjoyments which are within their reach. Therefore the argument drawn from the usage and customs of former and ruder times, whether it be used to retard the march of mind, or the improvement in the health and physical comfort of the working classes, is not only non-effective, but absolutely vicious. We are equally delinquents in neglecting to give to our children a higher degree of education than our forefathers conferred upon us, as in denying them the means of enjoying improved health and longer life which were until lately unattainable through ignorance.

But however satisfactory the argument for the amelioration of the physical condition of the working classes, drawn from the moral effects of the evils under consideration, may prove to the true philanthropist, it is unnecessary to state, that a plain account of the *money* loss to the nation generally, and to the suffering classes especially, will make the necessity for some remedial measures more apparent to many minds accustomed to look at things solely through the medium of their money value. The 'argumentum ad saccum' may therefore be used with advantage to such persons, and also to the poor themselves.

Although data are wanting wherfrom to furnish a tabular view of the whole of this cost, yet, from various sources correct information may be drawn to show many very large items of the enormous account.

If we take the number of persons resident in all towns whose inhabitants reach 10,000 and upwards, we shall have about one-third of the whole population of England, or in round numbers 5 millions of people, who would be benefited by sanatory regulations. Assuming, according to returns made to the commissioners from fifty of the largest towns, that the rate of mortality amongst this amount of population is 2·7 per cent., and the rate for all England and Wales to be 2·1 per cent., any sanatory improvements which should bring the deaths in these towns down to the average of all England (not to the low rate of the country districts) would save 25 per cent. of one-third of the whole deaths. The total deaths in England and Wales in 1841 were 348,847, and 30,747 will be excess of deaths in the population of large towns over the average of the whole country. But 2·7 per cent. is the average of *all* classes, whilst the

difference, even in large towns, between the rate of mortality of the higher and of the lower classes, is in many cases 100 per cent.: in some instances the mortality of the lowest portions of society is as great as 4 or 5 per cent. Setting aside, therefore, the small numbers of gentry resident in large towns, we may fairly assume that many thousand more deaths amongst the poor might be saved by bringing this average down to 2·1 per cent. I am confident that I make a moderate estimate in stating that 50,000 deaths, chiefly of the lower, middle, and working classes, would be annually saved.

Mr. Chadwick infers from data in his possession, that the average cost of funerals amongst the working class is £5; and amongst all classes above paupers nearly £15. Assuming that all the deaths saved will be among the working class (which is by no means the fact) the saving in expense of funerals alone will be £250,000. But the last illness and death of any person, particularly, of an adult, or head of a family, is attended with many other expenses, such as medicine, nursing, loss of work, and the purchase of mourning; and which, considering the sums spent in this last item alone, are moderately estimated at £2 10s. each person; which gives an additional £125,000, making £375,000 for the absolute loss by deaths alone.

The number of fatal sicknesses, however, are only a small portion of the numerous cases which are followed by recovery. It is difficult to form any very accurate estimate of the proportion who fall sick out of any given number, and of the average duration of such sickness. There are differences in the salubrity of different towns and of the kind of employment of their inhabitants, and also in the means of obtaining correct information on the subject. Mr Holland of Manchester, has endeavoured to come to an approximation by taking the records of the public dispensaries of that town as to the proportion of deaths to the number of cases treated by the officers of those institutions. He states that at least there are 28 cases of sickness to one death. It must be borne in mind, however, that these were all cases sufficiently severe to require medical assistance; whilst there are innumerable cases of a slighter nature, which, although they may incapacitate for labour for a day or two, do not send the patient to a dispensary for relief. The average duration of sickness is stated by the same gentleman to have been about 14 days; which, the deaths being in his district 3 per cent., gives 11 $\frac{1}{2}$ days illness for each individual yearly. I have reason to think however, from estimates of the length of time an individual is absent from his work, furnished by some of the employers of factory hands, and also from my own experience of the duration of attendance at a dispensary in this town, that the estimate of Mr. Holland is rather high, and that, taking

the *minor* cases with the more severe ones, from 5 to 7 days is nearer the average duration of all cases of sickness. But from the same source I gather that instead of 28 cases of illness to one death, the proportion of cases of all kinds annually is as 125 to 100 individuals. So that taking 6 days to be the average duration of an illness, $6 + \frac{1}{4}$ th or $7\frac{1}{4}$ days, will be the annual amount of illness for each individual.*

The whole cost of $7\frac{1}{4}$ days illness to every man, woman, and child, out of 5 millions of people, including loss of work, medical attendance, nursing, &c., could only be calculated by a very laborious enquiry into the numbers actually living at all periods of life, and the amount of earnings at the several ages. But as we are here only estimating the actual sum of the outlay, or absolute payment for expenses of sickness, we may safely assume that the cost of $7\frac{1}{4}$ days' illness, in medical attendance, nursing &c., cannot be less than 5s. for each person, or £1,250,000 for 5 millions. Supposing that only one-fourth† of this amount of sickness might be prevented, we have an unnecessary cost at present of £312,500 exclusive of loss of work.

It is a fact, now sufficiently verified, that wherever the mortality is the most rapid, there occurs a proportional excess of births to replace the deaths. We have therefore now to calculate the expense attending on the birth of this number of infants who are in their turn to be prematurely carried out of existence. In the country districts, as in Wiltshire for example, where the deaths are annually 1 in 53, the births are 1 in 35 of the population; being a proportion of 3 births to 2 deaths. In Lancashire, where the deaths amount to 1 in 32, the births are 1 in 26, or nearly 4 births to 3 deaths. This increase therefore in the population of large towns, by their own propagation, is somewhat less than in that of the country villages.

The number of unprofitable births, then, which annually replace 50,000 deaths in the large towns will be 62,500; the average cost of each of which must be, at the lowest estimate, £1; including medical attendance in a portion of the cases, nursing, clothes, and loss of work.

The next item of the account embraces the great cost to the parents of families in support of that large portion of their offspring which are cut off by the hand of death before they

* The calculations of Mr. Finlaison, the government Actuary, quoted in the Sanitary Report, give about 7 days as the average annual sickness for each person, or 20·71 for a family of three. Under Sanitary Regulations these have, in some instances, been reduced to 5·02, or less than 2 days for each individual.

† Mr. Chadwick states "that the experience of the effect of sanitary measures proves the possibility of the reduction of sickness in the worst districts to at least one-third of the existing amount." (Page 226.)

arrive at an age when by their earnings they can repay the cost of their infancy and youth. It has been well observed, that a human being may be looked upon as an investment upon which so much capital is expended, and to which after many years of continued outlay and anxiety, we look for a remunerative return. Supposing, with reference to the population of large towns, 18 years to be the average age at which the children begin to support themselves, we shall find that no less than 66 per cent., or two-thirds, die before they attain that period of life! What ought not the earnings of the remnant to be in order to repay such a melancholy loss!

The total births in England and Wales in 1841 were 512,158; one-third of which, 170,719, plus 42,679, the proportional excess occurring in a town over a country population, gives 212,398, the number of births annually in 5,000,000 of inhabitants of large towns.

It would be difficult to give the average age at death of all those who die under 18 years without an elaborate investigation of the registration returns of a large number of towns. But since it is ascertained that in the population in question, 32 per cent., or nearly one-third, die before attaining 1 year, and upwards of 50 per cent. before attaining 5 years of age, we may fairly assume 3 years to be the average age at death of two-thirds of the children born in large towns. We thus have 142,266 children annually born to be supported by their parents for an average period of 3 years at an annual cost of not less than £8, or £24 for the 8 years; giving £3,414,384 as the yearly expense of this item of unprofitable children alone.

To this enormous cost incurred in the support of children born only to pass a few years in a miserable and often painful existence, a cost which falls almost entirely upon the parents, we have to add an almost equally large item of expenditure in support of widows and orphans left by the premature deaths of parents. This is a charge, falling almost wholly on the public, in the shape of poor's rates and support of charitable institutions; the public is therefore especially interested in measures for its reduction.

From returns made from all the unions in England and Wales, in 1840, and quoted by Mr. Chadwick, it appears that there were at that time 43,000 widows and 112,000 orphan children chargeable to the poor's rates annually. The same authority informs us that 27,000 cases of premature widowhood, and more than 100,000 cases of orphanage are to be ascribed to *removeable* causes. The cost of each of these, upon the poor's rates, the benevolence of relatives and charitable persons, and public institutions, has been estimated at £10 per annum; so that here we have an additional sum of £1,270,000 to be carried to the account.

If we now take the large sums which are annually paid by the working classes to benefit societies, secret orders, children's clubs, &c., as an insurance against sickness and death, and which would of course be reduced in equal ratio to the general reduction of sickness and mortality, we cannot add a less sum than £250,000 as the amount thus paid for preventable cases of sickness and death. Of 5 millions of inhabitants of large towns, chiefly of the working class, at least one-half are entered in some one or other of these provident associations, the weekly contribution to all kinds of which may be taken at 2d. or about 8s. per annum; which supposing one-fourth to be saved, gives the £250,000 stated above.

There remain to complete this estimate of the absolute cost, or money expended on account of the preventible sickness and mortality of large towns alone, a number of smaller items of incidental expenditure too numerous to be here detailed; but which are more than sufficient to swell the already large amount of £5,684,384 into 6 millions of money annually wasted by the middle and working classes by the want of simple sanatory regulations applied to their towns, places of work, dwellings and persons.

The tabular form may perhaps exhibit this account of the cost of excessive sickness and mortality in a clearer light.

TABLE OF THE VARIOUS ITEMS OF MONEY ANNUALLY EXPENDED ON ACCOUNT OF THE PREVENTIBLE DISEASE AND DEATHS AMONGST FIVE MILLIONS OF INHABITANTS OF LARGE TOWNS.

	Each person	Total	
		£	s.
Funeral Expenses of 50,000 deaths	5 0 0	250,000	
Incidental Expenses attending ditto	2 10 0	125,000	
One-fourth of the sickness of 7½ days' duration for each individual, at an average of 5s. for each case (exclusive of loss of work).....	0 5 0	312,500	
Cost of support of two-thirds of all the children born to the above population, who die before attaining 13 years of age, the average age at death for each child being 3 years, at £8 per annum.....	24 0 0	3,414,384	
Cost of 27,000 cases of widowhood and 100,000 cases of orphanage chargeable to the public on account of premature death of husbands and parents from preventible causes	10 0 0	1,270,000	
Excess of payments to Benefit Societies and other clubs as an insurance against sickness and death ..	0 1 0	250,000	
Other Expenses incidental to inattention to the sanatory regulations in wear and tear of clothes, furniture, waste of food, spirituous liquors, &c.			316,716
Total....			£6,000,000

Thus a sum nearly amounting to the whole cost of the relief to the poor, or six pounds for every family in the whole population under consideration, is annually thrown away in hard cash, in order that 5 millions of persons may live in filth and poverty and disease, their bodily frames weakened and degraded, their minds debased, and their relish of life destroyed; in order that 50,000 persons may be annually carried out of existence, leaving behind them to the tender mercies of the parish officer or the cold hand of public charity, 27,000 widows and 100,000 helpless orphans; in order that 62,500 wretched beings may be annually born to be consigned, like the superfluous offspring of the domestic animals, to a premature grave; and in order that two-thirds of all the children born, after all the anxieties attending on their birth and infancy, and the cost of education and support, may be carried off before they can repay any part either of the outlay or the anxieties of their parents.

I have been especially careful in the foregoing statement to avoid anything approaching to over-coloring of the facts. Indeed every item is considerably under the calculations of some of the most eminent enquirers into the public health. It must be understood also, that nothing is included in the account but what is absolutely *expended*; whilst, were we to estimate the loss of labour during sickness, the number of years of labour lost by the premature deaths of the heads of families &c., many millions would have to be added to the above table. I forbear however, to enter into the enquiry as to the amount which might be *gained*, as there may be differences of opinion on such a subject. The absolute *loss* can be estimated by any one.

In the picture which I have attempted to draw of the great extent and wide-spreading evils of excessive disease and mortality amongst the crowded population of large towns, the co-existence of a low state of the physical powers, liability to disease, and premature death with filthy streets and dwellings, deficient supply of fresh air and pure water, and the accumulation of refuse about their dwellings, must be sufficiently striking to convince most minds that they stand in the relation of cause and effect. So closely, indeed, are these conditions united, that the mutual re-action of one upon the other alternately places each in the category of cause and effect. The apathy and inattention to the requirements of decency, which are the marks of a debased and uncultivated nature, directly produce that poverty and destitution which depress the vital powers of the body and prepare it for the reception of disease. Sickness and death bring in their train pauperism and indifference, and thus the wretched condition is perpetuated to themselves and offspring.

Sunk below the inspiring influence of those emotions of hope and self-reliance which direct a man to give to his children those advantages of which he has been himself deprived, they have no wish to remove them out of the sphere of those miseries to which they themselves have become inured.

But lest any one may suppose that the noxious agencies above alluded to may not be so operative towards the production of disease and death as has been assumed, it will be well to take a closer view of the connexion between the neglect of sanatory regulations and the prevalence of epidemic and contagious diseases in dense populations. First may be noticed the opinion entertained by some, that poverty and want of sufficient food are the chief causes of the evils in question. The very circumstance that all those diseases which are by them assumed to be the result of insufficient food are many times more rife in those places where the people obtain large wages, as in the manufacturing districts, than in rural villages, where the labourers have the greatest difficulty in procuring a living, ought to be a sufficient answer to this objection. Whilst in Rutland and Wiltshire, the average age attained by every person born is 36½ years, in Manchester, Leeds, Liverpool and Bolton, it is 19 years only. Yet in Rutlandshire, the wages of an able bodied man will not average more than 8 shillings a week; and taking old and young, men and women together, not more than 4 or 5 shillings; whilst the average earnings of the factory operatives is between 10 and 11 shillings for every man, woman, and child employed. Again, the average length of life attained by the agricultural labourers of many counties exceeds that of the gentry of Liverpool, Bolton, Ashton-under-Lyne, and similar towns. It is notorious that the mere amount of wages coming into a family is no criterion either of its amount of domestic comforts and command of the necessaries of life, or of its condition as to health and bodily ability.

Of course, where the amount of intelligence and frugality is equal, then the larger the earnings, the greater the comforts and luxuries enjoyed. There are operatives, however, who maintain their families in plenty, in cleanliness, and in health, whilst others with double the amount of wages are in want, dirt, and disease. I have often seen cottages which contained not less than from 20 to 40 pounds' worth of handsome furniture in the same row with others in which scarcely a table or a chair, certainly not a clean bed, were to be found. These houses may be occupied by men working at the same mill, and earning the same amount of wages. Unless a good moral education and domestic training lay the foundation of frugal and temperate habits, any excess of earnings over and above what is absolutely necessary to procure food and clothing, too often proves a curse, rather than

a blessing. Let the skilled operative have that proper remuneration for his labour and for the many hours during which he is daily excluded from the fresh air of heaven, which is his due,—due to him for that great skill and untiring industry which have made his employer the wealthy lord he is, and which have raised his country to its proud pre-eminence. But give him that advice and instruction in the spending of it, which the incessant labour of himself, and often of his wife, in the factory or workshop, prevents him from acquiring.

The tailors of London, whose earnings are probably as great as those of any other class of workpeople, are the most unhealthy and the shortest lived. At the age of 50 they are superannuated.

Fever, which is believed by some to be especially the disease of destitution and want, is found to be much more frequently the result of an insufficient supply of fresh air, and exposure to noxious exhalations from accumulations of putrifying matter. A very satisfactory proof of this is given by the records of the fever hospital at Glasgow. Of 429 fever patients admitted within a certain length of time, and of whose appearance as to bodily condition a record was kept, it appears that there were—

In moderate condition as to flesh and general appearance	209
Full, phlethoric, or fat	101
Muscular.....	44
Spare	65
And unhealthy looking, or emaciated, only	10

429

Almost all of these were attacked when engaged in their ordinary labour.

It has been proved by the experience of the Spitalfields weavers, who are often in a most destitute condition, that the greatest number of fever cases occur when they are in full work, and consequently confined the day through to the close and unventilated loom-houses; when they are slack of work and can roam about the streets, they are much more healthy.

This position was also confirmed by the experience of the operatives during the great turn-out of 1842. During the existence of that strike in Ashton-under-Lyne, which lasted six weeks, the population was exceedingly healthy; and although many of the people subsisted upon raw-fruit and other vegetable substances, no cases of fever occurred until work was resumed; when, from the depressing action of confinement in close air, assisted by the bodily weakness and depression of spirits consequent upon their long distress, many cases of fever occurred.

The experience of the fever hospitals of London, Edinburgh, Glasgow, Liverpool, and other large towns, goes to prove that the majority of cases of fever are constantly brought to them from certain parts of those towns distinguished for their pauperized and depraved population, and the filthy state of their dwellings and streets. In certain houses in these localities fever is scarcely ever absent; every succeeding family being attacked by the disease, whatever may be their condition as to domestic habits or supply of food. The case formerly quoted from Dr Southwood Smith's evidence, is a remarkable example of this fact. When fever occurs in a dwelling in which an excessive number of individuals are crowded together, where the refuse of so many human beings is allowed to lie in putrifying heaps in and around their dwellings, and no sufficient access is given to the fresh air to dilute the poisonous exhalations arising therefrom, it goes on attacking one after another, acquiring increased virulence as it proceeds. The putrid exhalations from the bodies of the sick and dead mingle with those from the filth already existing, and create a focus of poisonous effluvia which spread amongst the neighbouring houses until all who are susceptible of their influence have been attacked. First fall all the sickly and weakly constituted, because their vital powers offer less resistance to the poison; then, as the malarious atmosphere thickens with its victims, more healthy persons are attacked, but less severely. In Liverpool, Dr. Duncan's tables show that the fever cases occurring amongst the *same number* of people were *eight* times more frequent in those wards of the town where there are the greatest number of courts and cellars, than in those where there are the fewest. In Vauxhall ward, containing a population of 26,146, of which 14,838, or more than one-half, lived in courts or cellars, 4346 fever cases occurred in five years; whilst in the wards of Rodney-street and Abercrombie, containing 31,101 souls, of which 6605 (little more than a fifth) resided in courts and cellars, only 529 cases occurred in the same length of time. Thus in a *larger* population in the healthier districts, only 1 case of fever occurred where 8 happened in the worst districts. Nor are the *number* of cases in the ratio of the court and cellar population to the whole inhabitants; for in Vauxhall ward 3-5ths were resident in courts and cellars, and in Rodney-street 1-5th; being a difference of 2-5ths only between the worst and the best districts as to the proportion of people living in cellars, whilst in the fever cases the difference is 7-8ths. This fact shows the good effects of mere dilution of the poisonous effluvia by driving large and airy streets through the lowest and most unhealthy districts, which will act as so many lungs or air-tubes. A poisonous gas, which may be breathed with comparative impunity when existing in the atmosphere only in a

certain proportion, becomes fatal when that proportion is doubled. It is not merely by entering the lungs that these noxious gases and exhalations prove injurious to the system, they are absorbed through the skin in a less degree, and enter the blood by that means. A small animal may be poisoned in a few minutes by immersing his body in a bag containing sulphuretted hydrogen (the gas arising from filth) although his head be left free to breathe the pure air.

The chances of a person becoming affected with fever and other epidemic and endemic diseases (which are popularly, but often erroneously, called contagious) in consequence of proximity to infected persons, will depend upon several circumstances: *first* on the malignancy or mildness of the epidemic, &c.: *secondly*, on the state of concentration of the putrifying matter: *thirdly*, on the aptitude of the person to receive it: and *fourthly*, on the use of appliances to guard against infection. A proper study of the reaction of these circumstances upon each other has set at rest the long disputed question, as to the contagious or non-contagious nature of fevers, measles, influenza, cholera, and other endemic, and occasionally *epidemic*, diseases. The human body is a machine whose functions are exercised in exact relation to the nature and extent of the forces applied to it. If the original construction of the machine be faulty, more care will be required in the application of the impelling power, and there will be more danger of its breaking down under the operation of undue force, or of injurious agents. If the agents adapted to act upon it and develope its powers are withdrawn or lessened in their force, a flagging of the machinery will take place, the weakest parts first giving way. But if, in addition to the withdrawal of the natural stimuli, unnatural and injurious powers are applied, it necessarily follows that, instead of a healthy action, confusion and destruction will result. Thus, fevers, influenza, cholera, dysentery, diseases of the stomach and bowels, all of which are diseases of weakness, being generated by the noxious exhalations which are thrown into the atmosphere, attack first and most severely those whose physical organism is the weakest and least able to resist. These are, the dwellers in a bad atmosphere, who have not a sufficient supply of nutritious food, and those who have inherited a *predisposition* to disease from their parents. When a healthy person goes to visit a fever patient, perhaps in some damp and noisome cellar, and, after being exposed to the infection for a certain length of time, goes home to a comfortable meal and clean dwelling in a salubrious situation, nine times out of ten he escapes the disease; but let a sickly relative nurse the patient in the same house for a few days and nights until her frame becomes exhausted and her mind depressed, nine times out of ten she falls a victim to it.

Here is contagion it is true, but contagion in a modified sense, and only in circumstances favorable to its operation.

The philosophical manner in which the essential nature of all diseases has been studied of late years, has been the means of pointing out that, for the most part, they originate in an unnatural depression of the vital powers, either of the whole system, or of individual organs of the body. There are, therefore, individuals prone to disease, as ill-made machines are apt to break in the wearing. Most of these persons have inherited this unfortunate organization from their parents. They are possessed of less mental energy and are less able to sustain continued labour, or frequent changes of temperature. Thus the poverty or improvidence of the parents which drives them to seek their dwellings in the worst part of a town, acts with double force upon the offspring; entailing upon them at once ignorance, destitution, and physical and moral degradation. This is the population born only to die before attaining a useful period of life; 7 out of 10 of whose children are consigned to the grave in early infancy; amongst whom death is looked upon without fear, and without hope. The cost of this useless mass of disease and degeneration, is three-fourths of the cost of all the rates, of the criminal courts and penal colonies; and the source of two-thirds of the preventible mortality of the whole community.

The different kinds of employment no doubt produce very variable effects upon the health and lives of the middle and operative classes. There is reason to believe however, that any, the most deleterious, might be rendered comparatively innocuous by attention to a few obvious sanatory rules. Such improvements in ventilation have now been discovered, that all factories, warehouses, and workshops, will admit of a constant supply of fresh air passing through them without any danger to the work-people. In the case of tailors, milliners, needlewomen, hat-bindlers &c., numbers of whom work in a small close room, it is difficult to ensure ventilation without draught; but in factories, and other large buildings, it can be easily accomplished. There is abundant evidence to prove, that provided sufficient attention be given to ensure the entry of fresh air, almost any number of persons may be safely employed in one apartment; and the fact of more than 200 weavers being so employed in some of the best mills in this neighbourhood, without detriment to their health, confirms it. In the Hotel Dieu, at Paris, 150 surgical patients are kept in good order in one room, the mortality of which is not above the average.

Notwithstanding the concurrence of so much evidence of the higher rate of mortality in towns than in country districts, there are many facts which prevent us from inferring that this is a necessary circumstance.

In Bath, which is a particularly healthy city, the average age attained by the shopkeepers and gentry, equals that of the same classes in the most salubrious counties. In some parts of Manchester the average of life is 63 years, and in the best districts of London 57 years,—rates superior even to that exhibited by the country gentry. These instances, it is true, are taken from the most rural parts of those towns; a case is furnished, however, by the city of Geneva, of a higher average of life within, than without the walls of a town:—1 in $44\frac{1}{2}$ being the number of deaths within, and 1 in $39\frac{1}{2}$ without.

The same city also furnishes an answer to the assumption that the mortality of a population *necessarily* increases in the ratio of its density. A record has been kept there of the births and deaths since the 16th century. In the year 1589, when the population numbered 18,000 souls, the average length of life to each individual born was 8 years, 7 months, and 26 days. In 1834, when the population had risen to 27,177, the average was as high as 45 years.

The following table will show the progressive manner in which the average length of life was extended as the population increased.

TABLE OF THE PROBABILITIES OF LIFE IN GENEVA AT DIFFERENT PERIODS, IN REFERENCE TO THE AMOUNT OF POPULATION.*

Period.	Population.	Duration of life.	Rate of increase compared with 16th century.
End of the 16th century.	13,000	8yrs. 7mos. 26days	100
17th do.	16,934	13 , 3 , 16 ,	153 or 53 percent.
1701—1750	20,781	27 , 9 , 13 ,	321 or 221 "
1751—1800	24,810	31 , 3 , 5 ,	361 or 261 "
1801—1813	24,158	40 , 8 , 0 ,	470 or 370 "
1814—1833	27,177	45 , 0 , 29 ,	521 or 421 "

"As prosperity advanced" says M. Mallet, "marriages became fewer and later, the proportion of births was reduced, but more infants were preserved; and, consequently, the proportion of the population in manhood became greater. In the early and barbarous periods, the excessive mortality was accompanied by a prodigious fecundity. In the ten last years of the 17th century a marriage still produced 5 children and more; the probable duration of life attained was not 20 years, and Geneva had scarcely 17,000 inhabitants. Towards the end of the 18th century, there were scarcely 3 children to a marriage, and the

* M. Mallet, quoted by Mr. Chadwick.

probabilities of life exceeded 32 years. At the present time, a marriage scarcely produces $2\frac{1}{2}$ children, the probabilities of life are 45 years; and Geneva which exceeds 27,000 in population, has arrived at a high degree of civilization and of "prospérité matérielle." "In 1836 the population appears to have attained its summit, the births barely replacing the deaths."

The cause of the astounding amount of infantile mortality which takes place amongst the middle and working classes generally, and particularly in large towns, is a subject, the investigation of which is surrounded with many difficulties. Much mischief has been done by rashly attributing so lamentable an evil to individual causes, and therefore giving to them such an undue importance as tends to obscure our appreciation of other agents equally effective in producing the result. It has been the favourite theme of some to attribute this high rate of infantile mortality to want of sufficient nourishing food; of others, to the difficulty which the poor are supposed to encounter in procuring good medical assistance; of others, to the labour of mothers in factories and other places remote from their young children. All these things, and others, are doubtless the cause of *some* of the mortality; the error lies in attributing all of it to one cause only.

It appears, from tables given above (see page 23,) that those towns most favorable to excessive mortality of the whole population, are also badly distinguished by the number of infants who die in them: and also, that the greatest proportion occurs amongst that class of the people whose general average of life is the lowest. Manchester, Liverpool, Bolton, Ashton-under-Lyne, Leeds, Hull, Newcastle, and the worst parts of the metropolis, as they present the highest rates of mortality of the whole inhabitants, so is the proportional amount of infantile mortality in them the greatest. These are the towns the increase of whose population has been the most rapid; in which large numbers of the working classes are the most densely crowded together; and in which less attention is paid to cottage accommodation, cleanliness, and economy. It is only amongst the most destitute portion of the labouring population of these towns, however, that an excessive amount of mortality of infants under 5 years of age takes place; and this for the very obvious reason, that as the better portion of operatives approach nearer to the middle classes of society in command of the necessaries and comforts of life, so do they more closely imitate them in general intelligence, frugality, and providence. Their children are better managed under the mother's own eye, and are less exposed to the causes of infection,—a filthy home and uncleaned streets.

Since, then, facts will not allow us to attribute any great

proportion of the excessive infantile mortality of large towns to the inability of parents to procure them sufficient food, we must cast about for other causes. These we shall find in that general ignorance of the first principles of domestic management which characterizes the majority of mothers in the worst parts of large towns. From the very day of its birth, the unhappy child of such parents is brought up in total opposition to the dictates of nature. The first requisite to infant life, a sufficiency of pure air, is totally neglected. The clothing is inadequate to furnish a proper degree of heat; and the constant cleansing of the skin, so essential to their health, is either altogether omitted, or only half performed. Next in noxious influence is the cramming of infants with all kinds of indigestible food. Ignorant of the very alphabet of physiology, the mother often gives animal food requiring much mastication to her child, long before it has any teeth! Bacon, herrings, and raw vegetables are given at an age when they are perfectly indigestible.

Much of this, the first step towards the destruction of infants, is the result of that ignorance of their own frames, and of nature's laws as they effect their constitutions, the almost universal prevalence of which amongst women of the middle and working classes, is so much to be lamented. Nor will this evil ever be eradicated until the knowledge of the management of a family is made a part of the education of every female.

Next in importance as an operating cause towards the production of infantile mortality, is that state of things which compels a woman to leave her tender charge in order to obtain a livelihood by labour in the factory, warehouse, workshop, or field. During the mother's absence, the children of an older age are sure to get into mischief or danger, and those who are too young to leave the house, are consigned to the tender mercies of a hired girl, or of a decrepid old woman. The length of time a mother is absent attending her work in the factory or workroom, must have an injurious effect upon the natural food of the infant at the breast. Either must she be separated from her child for 4 or 6 hours, or else the infant must be exposed to all weathers in its passage to and from the place of her work. In either case, the mother's system is so exhausted that the milk, instead of affording the best of nourishment, becomes unwholesome and irritating to the stomach and bowels of the child.*

Mr. Coulthart, in his investigations in the town of Ashton-

* I have in another place adverted to the pathological effects produced upon the infants of mothers circumstanced as above stated in a paper upon the various forms of chronic diseases of the stomach &c., so prevalent in manufacturing towns. (see Northern Journal of Medicine, No. 3, 4, and 8.)

under-Lyne, has been at much pains to discover the extent to which narcotic drugs are used by the operatives to allay the fretfulness of infants thus left to themselves. He found that no less than $6\frac{1}{2}$ gallons of "Child's Cordial" and other similar poisonous mixtures are sold weekly by 15 venders in that town alone ! And we learn from the commissioners' report, that one druggist in Nottingham made up 13 cwt. of treacle into "Godfrey's" in one year !!

There can be no question that this unnatural treatment, combined with the improprieties of diet which are perpetrated in the mother's absence, lay the foundation of that scrofulous and emaciated state which so many young children exhibit in the manufacturing districts, and in the worst parts of all large towns. Many fall a sacrifice to this barbarous mismanagement in the first months of their existence, and during the time of teething ; but even those whose frames are hardy enough to bring them through these trying periods, have their physical powers so exhausted, or rather undeveloped, that they are unable to withstand the attacks of measles, scarlet-fever, hooping-cough, small-pox, and that legion of maladies which beset all young children.

If this be the sickly offspring of parents whom ignorance, poverty, or improvidence compels to abandon their children, what must the descendants of such deteriorated human beings be in the second or third generation ? If inattention to nature's laws and nature's demands work such mischief in one generation, what will be the result when these noxious influences have been in operation for two or three ? The question is answered by the vital statistics of certain portions of society. The unhappy children who have escaped the immediate effects of such unnatural treatment, inherit ignorance by reason of their parents' circumstances ; a sickly and degenerate body from bad nursing ; an apathetic and incapable mind from the combination of the other two. If the domestic circumstances of the parents were bad, those of the children are worse. All the evil influences of poverty, sloth, physical and moral degradation, tend to precipitate them into deeper and deeper misery, until, finally, the whole race becomes extinct.

The early age at which young people marry in those districts where employment (and particularly that of females) is abundant, is also a great cause of the mortality of children. It is no uncommon thing for a young couple to urge as a reason for getting married, the fact that they can jointly earn more by their labour in the factory than each can separately ; whilst the expense of living together is less than when separate ; not thinking that when one of them shall be confined at home by sickness or childbirth, the earnings of *one* may be inadequate to support

two. The alternative of submitting to diminished comforts, or of the mother's return to the factory, is thus presented to them; and the result too often is, that the infant has to suffer for the improvidence of the parents.

The demand for female labour, not only in the factories, but in many other species of employment, produces also a great relaxation of that reverence and obedience to parents which used formerly to distinguish the inhabitants of the north of England. Finding that they can maintain themselves, the children, as soon as they are grown up, are impatient of all restraint at home, and often form premature attachments of which their parents do not approve. Any check to the gratification of their desires causes them to leave their homes and go to lodge with other persons. In these places are often lodging young men and women under the same circumstances; and the slight ties of moral restraint which early training may have formed in them are soon broken down by the presence of temptation. To this cause are owing a great number of the illegitimate births, and of the premature marriages whose effects are not less hurtful to society.*

It is not contended that an immediate and sudden stop ought to be put to the labour of married women in factories and other places remote from their homes. If a woman have no child under two years of age, she might be permitted to work at a distance; and it often happens that where there are a number of small children, all too young to work, that the earnings of

* The Rev. J. Clay has some remarks so pertinent to the present subject, that I am induced to transcribe it. "But," says he, "it may be asked, what would become of the community if infant life among the poor were as well preserved as it is among the rich? Would not over population produce more deplorable consequences than any which are now sustained? The answer is, that when infant life among the poor is better preserved, that most desirable result will be attained chiefly by the prudence and intelligence of the parents; and if those qualities could only be roused into activity and vigour throughout the whole class to which those parents belong, while they will operate in one direction by promoting health and comfort in the cottages of the poor, they will be exercised in another by checking those early and improvident marriages, which at present appear chiefly, if not only, to result in the production of an unripe harvest for the scythe of death. If educated persons were to contract marriages with the same reckless disregard to consequences as the labouring class, such imprudence on their part would be visited as severely and inevitably as it is on the other; but forethought and caution are effectual restraints on the former, while marriages take place among the latter, not merely when there is no reasonable prospect as to future maintenance,—not merely at too early an age,—but when neither the young husband nor wife is in the slightest degree prepared to fulfil the duties incumbent upon them. Perhaps neither can read; the wife cannot prepare a meal either comfortably or frugally; she is unable to dispose of her husband's wages in the manner best adapted for the support and convenience of their home; she can neither repair his clothing nor her own; and thus good wages are often squandered by ignorance and incapacity, which, under proper management, would procure every requisite and some luxuries, and permit a little to be placed in the savings bank. With such unfitness for the character of a wife, in what light does she appear as a mother? &c." Appendix, first report of Commissioners for Sanatory Enquiry.

the mother are quite necessary in order to procure sufficient food and other necessaries of life. We must be careful whilst inveighing against one evil (although that evil be a great one) not to exclude from view that which might prove an equal curse if substituted for it. In the present superabundant population, and limited demand for labour, cases of great hardship might occur by preventing mothers from going to the factories when the husband is, from any cause, thrown out of employment. The working classes should, however, bear in mind, that the surest means *they* have in their power of increasing the demand for their labour, is to keep their wives at home as much as possible. "*two masters* might then be seen looking after *one man*;" the only time for raising wages.

But the greatest good to be derived to society by discouraging as much as possible, the labour of mothers in factories and other similar places, would be the diminution of early and imprudent marriages; which, by increasing the births and deaths of infants, increase in equal proportion the burdens which the poor have to support. If the young women knew that they would be excluded from their place of employment as soon as they became mothers, they would not so rashly enter into engagements, the consequences of which they could more easily compute beforehand; neither would parents so often allow them to gratify their own desires instead of deferring to their better judgment and experience. The illegitimate births, too, would be lessened in number.

It would be a melancholy reflection for those who fondly believe in the perfectibility of their species, if they felt themselves compelled to admit that the miseries which arise from the premature deaths and excessive amount of sickness among the working classes, were *inseparable* from the extention of commerce and manufactures, and the acquisition of wealth. If the so-called march of civilization be *necessarily* accompanied by a retrogression in the tone of morals, and a deterioration in the physical powers of that class whose well-being and happiness are the very foundation of social advancement and political power, we might well believe, that all our boasted superiority in the arts and sciences, in wealth and grandeur, like the gigantic pyramids and temples of the east, is but a monument of the degradation and slavery of those whose labour has procured it. Vain too, in such a case, would be the enquiry into the extent of these evils, and the investigation of their causes. But notwithstanding the sneers of some self-satisfied optimists, we may confidently predict, that, in exact proportion to our future advance in wealth and power, in art and science,

will be found our ability to remedy those evils, which though not necessarily connected with, have been hitherto concurrent with their progress.

These reflections and expectations are doubtless shared by many of the most actively philanthropic minds of the day. The following expressions will testify to the opinions of one of the foremost. "In Lancashire, the present property-tax yields 136 per cent. over the last. The census of 1811 gave the mortality as 1 in 46, now it is 1 in 36." "In the whole kingdom the rate of mortality in 1811 was 1 in 50; in 1841, 1 in 45." Thus, diminution of the length of life has taken place simultaneously with the improved modes of living and with the advancement of wealth. In wealth, Lancashire has advanced 136 per cent. in 30 years, whilst some 8 of the most healthy of the agricultural counties have advanced only 38 per cent. "Thus, the balance in favor of Lancashire as regards property is 98, whilst the proportion as regards health, is 2 to 1 against it." "If we thus find wealth and death holding divided empire in the new district, is it not the duty of every man to consider how it arises, and if it should not be put an end to?" *

The chief proportion of the excessive mortality and sickness has been shown to occur amongst the lower portion of the operative classes of large towns and manufacturing districts; to the amelioration of their domestic condition, therefore, should the chief efforts be directed. That poverty *alone* plays but a secondary part in the production of these evils, has also, I opine, been sufficiently proved. The condition of the superior portion of this class completely refutes such an assumption. I cannot therefore too earnestly deprecate those partial statements which hold up isolated cases of extreme misery and hardship, whether of condition, or of labour, occurring amongst the manufacturing operatives, as the type of the condition of the whole mass. Lights and shades there are in every calling and in every community, and the factory operatives are not without theirs; but it cannot be denied that as a class, they are less exposed in their places of business to the evil influences of noxious agents, and are better remunerated for the amount of exertion they undergo, than almost any other class of workpeople. Where the workpeople are under the care of a philanthropic and public spirited master, who delights in seeing them enjoy all the advantages which their station will allow, no class of operatives are more comfortable; more healthy, or more contented.

Since the accumulation of the present evils is the result of the triple operation of apathy on the part of government in

* Speech of the Marquis of Normanby, at Exeter Hall, Dec. 11th, 1844.

former days, of selfishness and indifference on the part of the middle classes, and of ignorance on that of the poor, no remedial efforts will be effectual which do not conjoin the efforts of all three. The government now feels called upon to interfere for the removal of existing causes of disease, and for the prevention of their return. It will be its part to interpose the authority of the nation between the so-called rights of individuals and the public health and welfare, and to adjust the burdens of new sanatory regulations in due proportion to the benefits to be derived by the various parties interested. The opulent and influential of the middle classes of society, and especially the municipal authorities of large towns, have it in their power to second, in the most effectual manner, the objects of the government, by the adoption of all well recommended schemes for the improvement of the health and comfort of the workmen, by the erection of good dwellings, and by the enforcing of salutary police regulations in their several localities. That part of society, which has most leisure, the ladies particularly, might reap much satisfaction in disseminating a better knowledge of domestic economy and the management of a family, a more universal taste for cleanliness and neatness in the dwellings, and in discouraging intemperance and profligacy.

The working classes owe it to themselves to combine in aid of such means of improvement as may be offered to them; to make themselves and children acquainted with the first principles of health, and the means of avoiding disease; to learn better modes of managing a house and family, and a better system of dieting and clothing children. It depends entirely upon themselves whether the efforts now being made for the amelioration of their condition shall be productive of their legitimate effects. Let them look upon the boon held out to them with indifference or distrust, or receive it with apathy, and their condition will infallibly deteriorate.

In order to have a clear understanding of what these sanatory regulations should consist, it will be necessary to consider what are the physical requisites to secure the enjoyment of health.

We are indebted to Dr. Arnott for a very simple, but most excellent tabular view of the great necessities of life. It is thus arranged.

DR. ARNOTT'S TABLE OF THE FOUR NECESSARIES OF LIFE.

"In fit kind and degree.	In deficiency, or of unfit kind	In excess.
1. AIR	Suffocation Unchanged air	Excess of oxygen.
2. TEMPERATURE .	Cold (intense.) . . .	Heat (intense.)
3. ALIMENT :		
Food	Hunger, or bad food	Gluttony, or surfeit.
Drink	Thirst	Swilling water.
4. EXERCISE :		
Of the body .	Inaction	Fatigue, or exhaustion
Of the mind .	Ennui	Want of sleep.
	Certain depressing passions,—as fear, sorrow, &c. . . .	Certain exciting pas- sions—as anger, jealousy, &c.
Of the mixed social aptitudes.	Solitude	Certain kinds of de- bauchery.

THE TWO KINDS OF NOXIOUS AGENTS.

1. VIOLENCE :—

Wounds,—Fractures,—Dislocations,—Burns,—Lightning, &c.

2. POISONS :—

Animal, Vegetable, Mineral.

Certain of these, such as alcohol in its various forms, opium, tobacco, &c., which in large quantities kill instantly, when they are taken in a very moderate quantity can be borne with apparent impunity, and are sometimes classed as articles of sustenance; or they may be medical; but if taken beyond such moderation, they become, to the majority of men, destructive slow poisons.

Contagious,—as of plague, small-pox and measles, malaria of marshes, thickets, and filth."

From this table it appears, that not only is a sufficiency of good food necessary to the preservation of health and physical strength, but also a proper supply of fresh pure air; a certain range of temperature or warmth; and a due proportion of exercise both of the body and mind. Withdraw any one of these, and health is destroyed.

' In order to secure these necessary vital stimulants in proper degree and force, improved regulations and habits are required. These divide themselves into—1st. Those which are external to, and unconnected with, the domestic economy of the household,—such as, regulations of places of work, of streets and public buildings, for securing a proper supply of pure air, and the removal of noxious gases and other substances; an effective system of drainage to remove the surface water and filth; and the supply of plenty of water to the streets and houses. 2nd. Those which are internal to the dwellings of the people; viz.—due ventilation of the living and sleeping apartments; cleansing of walls and floors; quick removal of filth and refuse from the yards, &c. 3rd. Into those which effect their persons;—as a proper attention to the cleanliness of the skin by bathing and washing; the observance of temperance and a wholesome diet; and the means of escaping endemic and contagious diseases.

1st. Sanatory regulations for the removal of noxious agencies *external* to the dwellings.

At the head of this section must be placed an effective system of drainage. Even the supply of fresh air is secondary to this, because if means are not provided for the removal of the accumulated refuse of the streets and dwellings, whatever quantity of fresh air be admitted, it will be contaminated by the effluvia evolved by the putrefactive changes constantly going on in it. This refuse consists almost wholly of vegetable and animal matter, which the intermixture of moisture soon throws into a state of decomposition. In this process, various kinds of noxious gases are evolved, all exceedingly injurious to the animal system. The want of drainage is the most felt in the lowest districts, and in the most wretched description of dwellings, where the crowding of the inhabitants is the greatest. In many towns, as in Liverpool, great attention has been paid to the sewerage of the widest and best streets, whilst the blind-alleys and courts are entirely neglected. Thus, the remedy is the least applied where the disease is the most severe. In a damp climate like ours, the period of time when the streets are perfectly dry, is very small compared with that during which they are more or less wet; probably not more than one-fourth. Except some means be provided by which this surface moisture may get away, it mixes with the decaying substances in the streets, and thus corrupts the atmosphere. This process is much more active in warm weather; the heat rapidly evaporates the gaseous matter formed, and thus facilitates the decomposition of the remainder.

The good effects of such a system of drainage as would carry off the surface water quickly, would be evinced in several ways. First, the streets would be longer dry, and less decomposition of

organic matter would take place. Secondly, the draining away of the water would carry along with it much of this matter; and thirdly, by the greater dryness of the atmosphere, consequent upon the diminished amount of evaporation, the particles of decaying matter and animal effluvia, which are supposed to convey contagion from place to place, would find less support, and would be less hurtful. There is a popular notion prevalent, that a moist atmosphere is of *itself* a source of much sickness; it is doubtful, however, how far this opinion can be substantiated by facts. There are many invalids, particularly those suffering from disease of the lungs, to whom a moist atmosphere is beneficial and grateful. Irrespective of its check to the escape of perspiration, the presumption is, that a moist atmosphere is chiefly injurious by the facility of lodgement which it gives to the malarious exhalations of filth and putrifying matter. In such a state of the atmosphere there is generally but little wind; smoke and small globules of moisture get intermixed, giving rise to the worst forms of fogs, in which the impure emanations from cesspools, &c., are held in suspension. Hence, the intensity of bad smells during foggy and damp weather. It is doubtless to this cause that much of that mental depression and physical weakness, so much experienced about the end of autumn and the early winter months, is to be attributed—powerful auxiliaries to other noxious agents in producing disease.

The practice of watering the streets of towns in the heat of summer, although doubtless it gives a refreshing coolness to the air, is not without its injurious effects. The dust is nothing more than the dried animal and vegetable matter deposited in the streets; which, while in a dry state is comparatively innocuous, but the process of wetting it, especially in hot weather, facilitates its decomposition, and the evolution of poisonous gases. A peculiar earthy smell given off from the streets, when thus wetted is a proof of this. Now, were the dirt properly cleared away before it gets so dry as to form dust, the operation of watering would be but little required; and when performed upon the *clean* streets, would raise no deleterious exhalation, but rather a delicious coolness. Nothing is wanting to effect this but a more rapid and effectual cleansing of the streets after rain, by sweeping the refuse into the gully-holes of the sewers, and flushing them with water.

In many of the more recently built parts of manufacturing towns, erected chiefly for the accommodation of the working classes, not the least provision has been made for carrying off the surface water. New streets are laid out, and the foundations excavated without drains; and the ground for the future roadway is left higher than the floors of the living rooms. In this way

the water drains into the foundations and cellars, making them constantly damp.*

Next in importance to the carrying off the surface water, is an efficient system of cleansing of cesspools, and of house-drainage. It is of little avail that we spend large sums in ventilating houses and workshops if the air thus let in be tainted with these noxious exhalations. The quantity of filth left above ground to contaminate the atmosphere of our large towns is enormous, and occupies a large portion of their superficial area. Decomposition is therefore constantly going on, and when heat and moisture alternate the process is extremely rapid. The quantity of poisonous gas thus produced is sufficient to vitiate the atmosphere of towns to an extent little contemplated. Such a system of cleansing is required as will effectually prevent large quantities of filth from accumulating, and also prevent *any* quantity remaining for a length of time. It would perhaps be impossible so to alter the present arrangement of existing tenements, as to do away with the necessity for such receptacles altogether, but provision should be made that no future cottages be erected, without every one possessing its water closet and drain, with a proper supply of water to keep them clean.

The uncleanly habits engendered in the inhabitants by having a back yard and other conveniences in common, are productive of the worst effects. What is every body's business is no one's, and each family considers itself excused the obligation to keep clean that which belongs to several. The result is that they are left in a filthy state.

I need not dwell upon the effect of such imperfect arrangements upon the feelings of delicacy and moral purity which must be completely subjugated by the circumstances of publicity and uncleanness in those matters to which many of the poor are obliged to submit. It ought to be made compulsory that every house should have a back yard and conveniences of its own, separated by a six-feet wall from its neighbour.

The economical saving from a better regulated system of scavenging of towns, by applying the refuse matter thus saved from wasting in the atmosphere to the purposes of agriculture, would of itself more than repay all the cost of the outlay. This might be effected by preserving the contents of the sewers, consisting of the scrapings of the streets, animal and vegetable substances from the dwellings, with a sufficient intermixture of

* In Ashton-under-Lyne, there are several streets laid out in the new part of the town where the carriage way and space for the houses have been excavated several feet below the general surface, the consequence of which is, that in wet weather these form so many canals of stagnant water, in front of, and behind the straggling houses

water to keep them in a liquid state and to secure their passage along the drains and sewers.

But in order to accomplish such a speedy removal of all refuse matters from the streets and dwellings as is here contemplated, a large supply of pure water is evidently required. So long as the supply of water to towns is left in the hands of private companies, unrestricted as to the mode or quantity of distribution by any state regulations, so long the present miserable supply, in a country abounding in the finest springs and streams, may be expected to persist. The quantity of water supplied to our largest cities is but a mere dribblet compared to the bountiful flow provided by the ancients for theirs. The aqueducts of ancient Rome far exceeded anything of the kind erected in modern times; and like all their architectural undertakings, were distinguished for the grandeur of their conception, and the stupendous labour bestowed upon their execution. Littleness is as much the characteristic of modern architecture, as grandeur was of theirs.

It is not difficult to see whence this scanty supply arises. As is well observed by a late writer in Chambers' Journal on this subject, "A city with two or three hundred thousand inhabitants is considered well off if allowed a pipe through which a child may creep; whereas one in which a grenadier might walk would be nearer what such a population, always increasing, would in justice require. Why water is sent into modern cities after this dribbling fashion, is no doubt, well understood. In ancient times, to which we have alluded, the state, in its paternal capacity, did not consider that it did its duty unless an abundant supply of water were afforded to the dense and dependant population of cities. The aqueducts, the cloacæ, and other sanatory provisions of old Rome, were got up on what we should now call a purely philanthropic principle. The idea of *selling* water never entered the brain of Appius Claudius, Curius Dentatus, or any other long dead-and-gone aqueduct builder. The thing they looked to was the health of the people. Now this is all changed. The introduction of water into cities, like most other arrangements conducive to public health or private luxury, is become a matter of merchandise—ale—money! Water dealt out by measure! The struggling classes permitted to wash their faces at a per centage on their rental!"

Nothing will show more clearly the justice of this writer's remark than the following estimate of the quantity of water supplied to ancient Rome and to several of the largest modern cities.

	Gallons.	Inhabitants.
Ancient Rome A. D. 100, had a daily supply of water equal to	300 millions, for 3,000,000	
London in 1843, according to Mr. Cubitt's estimate	45½ "	1,873,676
*Manchester (parish)	1,800,000	353,390
New York, by the Croton Aqueduct (if required)	60 millions,	330,000

Even supposing that ancient Rome possessed three millions of inhabitants, (a large estimate,) a great proportion of whom were slaves, here was a supply of 100 gallons of pure water daily for each man, woman, and child. Compared with this, the quantity sent into London, Manchester, and other large towns, is miserable indeed. In London, each person has less than thirty gallons; in Manchester, not much more than five gallons; whilst in New York, every person may have 180 gallons daily if he can use it. These supplies may at first sight appear large, but when the quantities used for manufactures, public works, inns, stables, &c., and for cleansing the streets and sewers are taken into account, little enough will remain for domestic purposes.

Were a more liberal supply of water laid into our towns, it might serve many useful and ornamental purposes. The absence of public fountains in the streets and squares of almost all our cities and large towns is much to be deplored. They would tend in a great degree, to instil into the minds of the lower orders that love of the graceful and the ornamental which is so powerful an aid towards the spread of refined taste and purity of morals. Whilst the vast resources of this wealthy nation are expended in railways, manufactories, public buildings, &c., by millions, a couple of hundred thousand pounds are grudged to supply the metropolis with the means of securing purity of the body and of the mind to all its inhabitants. The money expended in building one factory would suffice to bring to Manchester seven or eight millions of gallons of water daily:—a quantity five times exceeding its present supply. The Romans did not think it too much labour to bring their water by twenty aqueducts, with a total length of not less than 255 miles. London could all be supplied by the purified waters of one river, and Manchester could be amply supplied by one aqueduct of 10 miles in length.†

The extremely utilitarian spirit of the present day, it is to be feared, has taken a wrong direction, and a one-sided view of the means of attaining its own objects. There is as much necessity

* See an article in the *Manchester Guardian*, Dec. 4th, 1844.

† See letter cited above.

for a plentiful supply of pure water and pure air, as of good food and clothing; whilst the cultivation of a pure taste, and a capacity to enjoy the beautiful and the grand is as necessary to secure the onward progress of the masses, as the providing for them a sufficiency of the necessities of life.*

After the due removal of all collections of filth and decaying matter from the streets, yards, and houses, and providing for its ready accomplishment by means of a good supply of water, we are empowered to introduce the first necessary stimulus to life,—pure air; which can only be effected when the other operations have been previously performed. The greater parts of many towns are so constructed, as almost entirely to prevent the circulation of fresh air through them. The air, already moving but slowly amongst the dense and intricate masses of buildings inhabited by the poorer classes, is further obstructed by walls and houses shutting up the ends of streets, and converting them into blind-alleys, or culs-de-sac. The atmosphere of these places is charged with the exhalations from the persons and dwellings of the crowded population, and is rendered still more infectious by the effluvia from the cesspools, dungheaps, pigsties, &c., which abound therein. This it is which brings the amount of sickness and mortality of these localities into exact proportion to the density of their population. Supply them with a good current of pure air, and those noxious exhalations will be equally diffused over the towns, and eventually carried away, to be absorbed by the vegetation of the surrounding country. It becomes, therefore, the duty of municipal authorities, proprietors, and other influential persons, to remove all dead walls and other obstructions to the current of air, and to secure, as much as possible, *thorough* air-ways through and through the towns in various directions, by joining together streets which are in one line with each other.

But in addition to the remedying of old defects, care should be taken to prevent builders from erecting houses or clumps of cottages in a manner unfavorable to the free circulation of air around them. Many of the handsomest cottages in the manufacturing towns, where ground is valuable, are arranged in the most vicious forms. One of these is a parallelogram, consisting of from 16 to 40 cottages, closed on all sides by the houses,

* It appears from the evidence of eminent civil engineers, that it is quite possible, and indeed the most economical way of supplying water to towns, to keep the mains and service pipes always charged; and that less water is actually wasted by the consumers when they have it always at command than when they only receive a fresh supply twice or thrice a week by means of cisterns. In Nottingham, Ashton-under-Lyne, and several other places, this system is already in operation, and is found to work well. One penny per week for a cottage under the annual rent of ten pounds would be, in most instances, a sufficiently remunerating charge.

which, like a square of infantry, show a front on all sides, the backs of the cottages all meeting in the centre. In this enclosure are placed all the backyards, pigsties, privies, and ash-pits of the whole of the houses. In hot weather, when the wind is still, the exhalations from these concentrated nuisances are extremely offensive; and, the current of air, being effectually excluded, there is no chance of their being carried away except by the slow process of gaseous diffusion. The dwellers in such cottages are often astonished at their unhealthiness, when they look at their beautiful outsides.

Another form dispenses with the houses at the two ends of the parallelogram, and supplies their place with a high wall, with doors giving access to all the backyards. This, though an improvement upon the other, is still bad enough.

There are some houses in this and the neighbouring towns which are still more faulty in their construction. The stack consists of a parallelogram similar to the first mentioned, but there is a narrow entry into an inner area or court, which is surrounded by cottages placed back to back with those in the front; the privies, ash-pits, &c., being placed all together at one end in full view, and for the use of, the whole of the tenants. This very reprehensible method of building cottages, it must in justice be stated, is seldom followed by the manufacturers or capitalists who erect stacks of cottages for the accommodation of their work-people, but is used by speculators in the lives and health of the poor for their own advantage. Their object is to crowd as great a number of houses as possible into a given space, in order to save the ground rent; and to construct them of as slight materials as they can, so that by securing the same rent for a cheap cottage as is paid for a superior one, they may make a greater rate of interest upon their outlay. These miserable dwellings are constantly out of repair, the consequence of the badness of their materials; whilst the certainty of the rent from the superior cottages erected by the masters enables their owners to keep them constantly in good repair, and to supply them with every requisite.

Groups of cottages for factory or other operatives, who are required to live closely together, and near to their places of work, should be built in straight parallel rows, in such a manner that the wind may pass freely through the spaces between them. Regard should be had to the direction of the prevailing winds, so that their current may be more or less parallel to the rows of houses for as large a portion of the year as possible. In this country it blows either from the west or east, or from the south or north west, or south or north east, ten or eleven months out of the twelve; so that a more or less east and west direction of the rows of houses will ensure the most perfect access of fresh air. If a gentle inclination in the ground can be made available, so much

the better; but even where the ground is flat, a small inclination sufficient for good surface drainage may be obtained by digging out in a graduated manner a few feet of soil from the lower portion of the area to be built upon, and spreading it upon the upper part.*

Next in order, after the supply of fresh air to the streets and houses, is the proper ventilation of warehouses, factories, workshops, churches, and other public buildings in which large numbers of persons are constantly or occasionally crowded together. It is now well ascertained by the labours of Dr. Reid and others who have turned their attention to this subject, that all public buildings may be so constructed as to secure almost as free access of the fresh air, and yet to be as free from draughts as if the persons collected in them were in the open country. The subject of ventilation of public buildings, however, all-important as it is, would require far more space for its discussion than can be allotted to it in this pamphlet. It is sufficient to state, that it is one, the necessity for the supervision of which by the government, is allowed on all hands.†

The evil influence of the confined air of workshops and other places, where, in addition to its vitiation by the respiration of a large number of workpeople, a number of gas-lights, fires, steam-engines, &c. are constantly adding their baneful effects, has been investigated with such precision that it may almost be said to be reduced to a mathematical problem. Dr. Guy, of King's College, has given in evidence before the Commissioners of Sanatory Enquiry, that the breathing of impure air in workshops and other places, produces certain diseases of the lungs and other organs concerned in respiration *in pretty exact proportion to the extent of its vitiation.* Thus,

	Spitting of Blood.				PER CENTAGE PROPORTION.			
	Catarrh.	Other Diseases.	Total.		Catarrh.	Other Diseases.	Total.	
104 men, having less than 500 cubic feet of air to breathe	18	13	18	44	12·50	12·50	17·31	42·31
115 men, having 500 to 600 cubic feet of air to breathe	5	4	23	32	4·35	3·48	20·00	27·82
101 men, having more than 600 cubic feet of air to breathe	4	2	18	24	3·96	1·98	17·82	23·76

* Mr. Loudon, and other scientific men who have directed their attention to the architectural arrangements of dwellings in connexion with sanatory improvements, have recommended the same direction to be given to rows of houses or detached dwellings in order to obtain for them the greatest exposure to the rays of the sun. A house which fronts the south east or north west will have the sun shining upon every side of it during nearly every day of the year.

† For popular information upon the subject of ventilation, I may refer the reader to the lately published work of Dr. Boswell Reid, on Ventilation, Warming, and Lighting; and which completely exhausts the whole subject; also, to an excellent little Manual by Dr. Neil Arnott.

In badly constructed places of work, where the buildings are divided into a number of floors all communicating by one common staircase, and where the air, rendered impure by the respiration of the persons employed in the lower, ascends to the upper rooms, to be breathed over again by the individuals in them, and so on progressively deteriorating until it arrives at the topmost story in a state utterly unfit for animal respiration, the same gentleman has found more than 60 per cent. of the workpeople in the upper floors affected with spitting of blood and other diseases affecting the chest, while only 7 per cent. were so affected in the lower story. "To provide a remedy for the occurrence of these frequent diseases we must entertain large views of the necessity for some kind of supervision of the arrangements as to ventilation, site, size of rooms, and other sanatory conveniences of factories, workshops, and other public or quasi-public buildings. Without insisting upon too much magisterial interference with the employment of labour, it would be easy for an influential and well-educated officer to take care that proper arrangements should be made to secure the health of the workpeople whenever new buildings appropriated for the labour of operatives of any kind are erected; and that improvements should be adopted in this department, so far as practicable, in existing ones. Free ventilation, with abstraction of almost all dust and a great deal of the bad smell, is perfectly attainable, and is in many instances well provided for; and those manufacturers who have carried out these wholesome arrangements, the most strongly insist upon their practicability in almost every instance." *

The second head of our division comprehends the application of improved sanatory regulations and habits to the dwellings of the people; and this, fortunately, is so inexpensive, so simple, and so beneficial, as to render it the bounden duty of all classes to put them into force.

Of the first importance, and in connexion with the foregoing remarks, is a provision for the access of fresh air to the living and sleeping rooms of the operatives, and to the shops and dwellings of the middle classes. It is astonishing what trouble is every day taken to exclude that which, if freely admitted, would prove the greatest blessing. If we take a walk along the streets of any large town in the early part of the forenoon, when we would presume that the inmates have gone about their ordinary employments, and the wives or servants are cleaning down the

* See Northern Journal of Medicine, Nos. 3, 4, and 8. Papers by the author, quoted above.

houses, we should reasonably expect to see every sash opened to a considerable extent, both at the top and the bottom ;—at the top, to allow of the escape of the impure air generated by the confinement of a number of persons in a small space during the previous evening and night ; and at the bottom, to allow of an influx of fresh air to replace that let out above. Not one window in 50 will be found open at all, and not one in 500 open in the manner described. Whilst in the open fields nature has made such careful provision to keep the atmosphere in a state of purity, the vegetables absorbing the impure air given out from the lungs of animals and returning it again in a state of purity, man takes every precaution to prevent the escape of the noxious emanations from his own body, and carefully reserves them for his own destruction. True, there is in towns but little vegetation available for the purpose of purifying the atmosphere ; but the inexhaustible kindness of Providence has remedied this deficiency by the law of the diffusion of gases, by which any gas or vapour however much heavier than the circumfluent atmosphere, is nevertheless gradually diffused through it, and, if there be a free circulation of air, finally passes away altogether.

It has been computed that not less than 600 feet of pure air ought to be hourly supplied to each individual. How much less than this quantity falls to the lot of those who work or sleep in small, close apartments may be readily computed. In some instances workmen have had to content themselves with from 40 to 60 cubic feet.

Not to mention the lower class of lodging houses, of beer shops and other public places in which large numbers of persons are crowded together, exposed to all the poisonous influences of air contaminated by the breath of so many persons, assisted by the stench arising from cooking, drinking, smoking &c., even the decent labourers are nightly exposed to a slow process of poisoning by the manner in which they are packed in small unventilated sleeping rooms. The smell of these places, after the occupants have risen in the morning, sufficiently indicates the foul state of their atmosphere ; and when we consider that this state of things is allowed to remain from day to day, and from week to week, continually increasing in noxious influence, we shall be at no loss to conceive how large a proportion of the sickness and premature deaths of this population is thus accounted for. True it is, that by constantly inhabiting these places, the system becomes gradually in some measure inured to its operation, and the evil consequences are not so immediately felt. Nevertheless, the seeds of consumption, of scrofula, and of the thousand other diseases which infect these localities, are surely sown ; and all at once, on the occurrence of any depressing cause, the system gives way.

The necessity for a better system of ventilation for the dwellings of the middle and working classes is only equalled by the simplicity of its execution. The only things to be avoided are the creation of draughts by letting in the air with too great force according to the size of the rooms, and the placing the ventilators in such situations as would give entrance to any noisome exhalations from the cesspools, &c. The simple machinery invented by Mr. Toynbee, and called after him, consists merely of a plate of zinc, perforated with very fine holes, and let into one of the squares of the window;—the one furthest most from the fireplace, at the top, is the most preferable one. By this ventilator the air is let in in such divided streams as not to give rise to any draught, and not very sensibly to lower the temperature of the room. To give egress to the foul air collected at the top of the rooms, he placed another perforated plate of metal, in the upper part of the chimney breast; but this plan has not been found to answer well on account of the badness of the draught in many chimneys, and the liability of the ventilator to get choked up with soot. A better plan is to make an opening in one corner of the room, communicating with the external air, to which a tube and perforated plate may in like manner be affixed. For the upper rooms, a few holes bored through the ceiling into the loft under the roof, with a ventilating flue fixed in the latter, will answer sufficiently well.

Whilst provision is made for supplying the dwellings of the lower classes with plenty of pure water and fresh air, care should be taken that no lodgment be given to injurious matter, by the dirty state of the walls, floors, or furniture. Such however is the innate love of cleanliness in all orders of society in this country, except the very lowest and most depraved, that, if the means be given, nothing will be wanting on this head. Indeed the wives of the working men of our manufacturing towns maintain a vigorous, though ever losing struggle against the masses of soot and smoke vomited forth by the neighbouring factory chimneys.

The last subject proposed to be noticed in this sketch of the requirements of the public health, is the inculcation of habits of personal cleanliness and purity, which are equally necessary for the due exercise of the bodily functions and for the elevation of the moral and intellectual powers. There is a growing desire on the part of the middle and working classes in most of the larger towns to possess those most necessary auxiliaries to health and comfort—public baths; and with the increased facilities which a proper supply of water to all towns will give for this purpose, we may soon hope to see an economical, but efficient establishment of baths in every town capable of supporting them.

It must be complained of, that men of wealth and station

have, in some instances, shown themselves lukewarm or unfriendly to schemes for erecting public baths for the use of the two lower classes of society; alleging as a reason for their indifference, that when erected, baths have not been made use of by the persons intended to be benefited in any degree corresponding to the expectations of the founders. This objection may be readily answered. Remove the black smoke, the noxious and fetid exhalations from cesspools and other places, and the foul air contaminated by the breath of hundreds of persons in workshops, factories, and other similar places, ventilate the dwellings and sleeping apartments of the poor, and you remove at the same time that physical exhaustion and mental vacuity which makes the very effort of washing and bathing a bugbear to them. Another objection, that bathing, though good as an occasional stimulus, becomes, by habitual use, non-effective or injurious, deserves not a moment's consideration. As well might it be said, that the constant breathing of pure air or the ingestion of good food, by habitual use, is non-effective, because nothing better than good health results from it. Let these necessary stimuli to life be withdrawn or deteriorated in quality, and the tone of health immediately suffers. Frequent, if not daily bathing, in cold or tepid water, according to the season, ought to be practised by every one. By the practice of it the physical frame would be rendered more elastic and powerful, the mind more hopeful and invigorated, and the moral feelings more lofty, enterprising, and independent.

A P P E N D I X .

SINCE the foregoing pages were written, an unavoidable delay of some weeks has taken place before sending them to the press. In the meantime, her Majesty's Commissioners have made their second Report to Parliament, containing *thirty* distinct and all-important recommendations of measures calculated to ameliorate the physical and moral condition of the inhabitants of our large towns. Some of the reasons which have induced the Commissioners to recommend their measures to the Queen's Government are based upon ideas and expressed in language so similar to some portions of the present pamphlet, that I feel compelled to refer to the knowledge of the Secretary to the Health of Towns Commission, Mr. HOSHOUSE, that my own thoughts on the subject were in print before I had an opportunity of seeing the second Report.

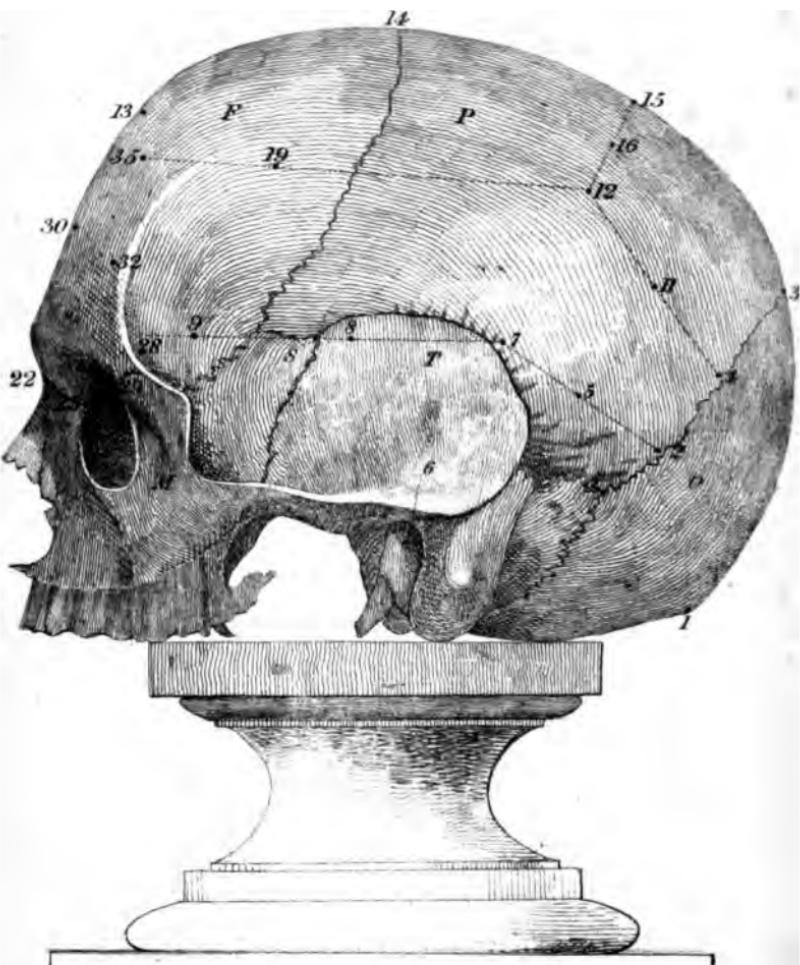
The Commissioners have evidently viewed the subject in that liberal and enlightened spirit which is not afraid to propound for evils of vast magnitude and extent, remedies equally comprehensive and effectual. A great evil requires a great remedy; and it is much to be desired that the Government will meet the views of the Commissioners with such an enlarged and benevolent purpose as the educated and philanthropic portion of the public are now led to hope and expect.

The recommendations contained in the Report, based, as they are, upon ample evidence, are much too lengthy to be more than adverted to in this place. They comprise every division of the subject which has yet been investigated; including the application of improved administrative measures to the drainage, cleansing, sewerage, paving, &c. of streets, courts, and alleys: an effectual system of house-drainage and cleansing of cesspools, &c.: the supply of water for public and private use: the supervision of the arrangements of public buildings, workshops, schools, &c. to secure their efficient ventilation; and, lastly, the general inspection of large towns and populous districts by properly qualified officers, to investigate the causes of disease and death, and ensure the carrying out of measures for their suppression.

In order to effect these great improvements in the condition of the working classes, the Commissioners report that additional powers would be required from the legislature. 1st, To alter and extend the powers of local boards or of town councils, by whom the police regulations of towns are at present exercised; secondly, to secure a proper and uniform system of management throughout the kingdom by means of a central administrative power to control and direct the operations of the local authorities. The election of proper officers to be vested in the local boards, subject to the approval of the Crown. It will be of the first importance towards the effective working of the measures that no party spirit be allowed to interfere in the choice of these officers; but that every endeavour be made to secure men of education, specially qualified by previous study for the performance of their duties. The districts should also be made of such an extent as will compensate, by a sufficient remuneration, their devoting the whole of their time to the public service.

Let this be done, let the local authorities throughout the kingdom, cordially unite with the government in their endeavours to alleviate the sufferings and improve the condition of the working population, and we shall then see the wealthy and educated classes beginning to repay the enormous amount of arrears due to their less fortunate brethren, and to emancipate them to the enjoyment of blessings, which, as man has not the power to give, he has no right to take away.





POINTS OF MEASUREMENT.





CONTRIBUTIONS

TO THE

MATHEMATICS OF PHRENOLOGY,

CHIEFLY INTENDED TO AID STUDENTS.

ILLUSTRATED WITH A PLATE



BY

JAMES STRATON,

SECRETARY OF THE PHRENOLOGICAL SOCIETY, ABERDEEN.

CETERIS PARIBUS—SIZE IS A MEASURE OF POWER.

ABERDEEN:

WILLIAM RUSSEL, 19, BROAD STREET.

MACLACHLAN, STEWART, & CO., EDINBURGH;

SIMPKIN, MARSHALL, & CO., LONDON;

WILEY & PUTNAM, NEW YORK.

1845.

ENTERED IN STATIONERS' HALL.

CONTRIBUTIONS,

&c.

IT is surely impossible to contemplate the amazing accuracy which instrumental measure has imparted to many departments of science,—an accuracy immensely beyond the reach of the finest unaided eye—and not feel a wish that some such services were rendered to Phrenology. It is, indeed, easier to conjecture than to certify, why so little has hitherto been done in efforts to render these services. It cannot be the difficulties which stand in the way. The human head is not an object which, either by its magnitude or its minuteness, its flexibility or its irregularity, defies either the application of instruments or the powers of calculation. It seems impossible that those differences in size which are so obvious to the eye cannot be measured by some uniform scale, and expressed in terms of definite known value. It may be—(rather must be, shall we say?)—that the extensively practised, forgetting their early difficulties when experience has rendered very little mathematical aid sufficient for their individual use, become reconciled to acquired habits, and think little more of those difficulties which they have ceased to feel. Yet such is not always the case; for, that the ordinary specifications of size and proportions are all but intolerably painful, vague, and perplexing to some minds, is a fact publicly recorded by friendly hands, with much ability, and much more bitterness than comports with beauty in philosophical disquisition. Stand the matter how it may, this much will be readily admitted, that the increasingly rigid requirements of scientific minds, the changing social arrangements, the progress of individual improvement,—in short, the interests of all (except

the unprincipled quack) call for the utmost precision in estimating and recording size, which is, in the nature of the case, practicable.

Believing that improvement was possible, I have attempted it to some extent, and the results obtained have either completed the delusion, or confirmed my conjectures.

I propose, in the subsequent pages,—First, to show how the human head, or cranium, may be measured by very simple means, and with an approximation to mathematical accuracy, sufficient for practical purposes. Second, to graduate a scale, indicating the average size, the average range, and the extreme ranges of size which have been found among the various races of men.

After measuring the head as a whole, and determining its place in the scale of size, I propose, in the third place, to measure that whole in separate parts; and, fourthly, to determine the relative size of those parts in equally balanced heads.

The principal aim, in measuring separate parts, is to furnish the eye of the observer with a more definite range or standard whereby to estimate the more minute portions—the individual organs. I have, therefore, attempted instrumental measure to the *least* possible extent only, which would be useful for that purpose. The principal object in view, throughout, is to remove perplexing uncertainties, in attaching a meaning to the language of the masters, and thereby to impart a proper degree of confidence to the student, and, to the more advanced, an uniformity in the estimating and recording of size and proportions, which I believe has hitherto been unnecessarily difficult to attain.

The shape of the human head, or cranium, may be described as partly cubical, and partly spherical. The latter seems to the eye to predominate so much, that, previous to an extensive series of measurements, it might readily be supposed that spherical was the only measure likely to approach accuracy. This mode was proposed in the Phrenological Journal, vol. viii., p. 403, and two examples are quoted, which give results very near the truth. I have no doubt of the

examples being correct, but they are exceptions to a rule so general, that, according to my experience, ninety-five cases *at least* in each hundred give results varying from 15 to 40 cubic inches below the truth. The following are specimens of the results which I have obtained :—

	Spher.	Proof.		Spher.	Proof.
Thurtell	161	160	Cordonnier	139	180
Ann Ross	87	114	Rev. Mr. M.	145	165
Clara Fisher	94	117	Allan	116	148
Linn	138	180	M'Innes	116	135
Greenacre	103	135	Adam	116	140
Eustache	115	155			

Referring to nature for farther proof, I pass from spherical measure as unsuitable for our purpose.

MEASUREMENT IN WATER.

The head or skull may be measured to any degree of accuracy, by marking the quantity of water which it displaces in a receiver of known dimensions. This mode is, of course, inapplicable, or inconvenient, in most cases, for the living head, but as it gives a standard proof wherewith to test the accuracy of every other mode, and can be easily applied to skulls and plaster casts, the following is given as a simple and convenient means of obtaining proofs.

The receiver is constructed as nearly square as possible, 10 inches long, 10 inches broad, and 8 inches deep, inside. One of the sides is a plate of glass, all the other parts are of pine deal, well saturated with paint. On the plate of glass is fixed a perpendicular scale, divided into inches and tenths of an inch.

The 0, or zero of the scale, is about five inches from the bottom of the receiver, inside, which is accurately filled with water up to the 0 point before the object be immersed.

In taking measurements, the head or skull must be put into the water, with the top lowermost, till the surface of the water touches the articulation of the nasal and frontal bones, and enters the opening of both ears. From the given dimensions of the receiver, it will be obvious that each inch which the water rises on the scale corresponds to 100 cubic inches (*i. e.* 10×10), and each tenth to ten cubic inches. The use of a vernier would give single inches, or even tenths of an

In measuring, the callipers is the only instrument required. In practice, I have found the time and labour very much abridged by a peculiar construction of the instrument. It has a scale attached, on which the inches and tenths, "imperial standard," are marked the full length; these can be accurately read as soon as the instrument is adjusted to the intended points of measurement.

CUBIC MEASURE.

The human head, or cranium, may be measured, as an irregular cube, with a degree of accuracy all but perfect.

The average, length, breadth, and height can be deduced from a number of measurements—the more the better for precision; but the fewest by which the requisite accuracy is attained is the best for practical utility.

I think myself warranted by a series of experiments, which it is impossible to detail in any reasonable number of pages, to submit the following, as a formula which fulfils the essential conditions of sufficient accuracy, simplicity, and applicability to every variety of case.

To find the average

Breadth.—Add the measurements from 5 to 5, 7 to 7, 8 to 8, and from 9 to 9; divide the sum by 4; the quotient is the average breadth.

Length.—The measurement from 3 to 30 is the average length.

Height.—Add the measurements from 6 to 16, from 1 to 3, and from 22 to 13; divide the sum by 3; the quotient is the average height.

Multiply the height by the breadth, and the product by the length. The result represents the Cubic Measure.

EXAMPLE.—R. R. ROY—PROOF, 190.

$$\begin{array}{r} 5.6 + 3.2 + 2.6 = 11.4 \div 3 = 3.8 \\ 5.4 + 6.4 + 6.2 + 5.4 = 23.4 \div 4 = 5.85 \end{array}$$

$$\begin{array}{r} .190 \\ 3.04 \\ \hline 19.0 \end{array}$$

$$\begin{array}{r} 22.230 \\ \hline 8.4 \end{array}$$

$$\begin{array}{r} 8.8920 \\ 177.840 \\ \hline \end{array}$$

$$\begin{array}{r} 186.7320 \end{array}$$

From 3 to 30..... Length.....

Cubic inches.....

TABLE OF CUBIC MEASURE.

HEADS.	Height.	Breadth.	Length.	Cubic M.	Proof.
Dr. Gall.....	3·9	5·8	7·5	170	174
Rev. Mr. M.	3·9	5·5	7·7	165	165
R. B. Sheridan.....	3·8	5·6	7·8	165	166
F. Cordonnier.....	4·	6·2	7·2	178	180
Rajah Ra. Roy.....	3·8	5·8	8·4	185	190
French M.D.	4·	5·8	7·6	176	178
Mr. Goss.....	4·	5·2	8·4	175	178
Robert Owen	3·7	5·4	7·6	152	155
Mr. King.....	3·8	5·8	7·4	159	160
Mr. Terry.....	3·9	5·5	7·5	160	160
Horace Smith.....	3·7	5·6	7·7	160	165
Ann Ross.....	3·3	5·1	6·6	112	114
Clara Fisher	3·2	5·1	7·	114	117
Eustache.....	3·6	5·6	7·7	155	155
MURDERERS.					
Hare.....	3·3	5·8	7·7	150	150
Burke.....	3·4	5·8	7·5	148	148
Allan of Aberdeen.....	3·6	5·4	7·5	146	148
Adam of Inverness.....	3·6	5·5	7·2	143	145
Greenacre.....	3·3	5·5	7·3	132	135
Courvozier.....	3·8	6·	7·7	176	180
Linn, Parricide.....	3·8	6·2	7·8	179	180
Thurtell.....	3·7	5·6	7·6	157	160
M. M'Innes.....	3·5	5·3	7·3	135	135
Dean.....	3·5	5·9	7·3	151	152
Martin, Parricide.....	3·5	5·5	7·1	136	138
SKULLS.					
Robert Burns.....	3·6	5·3	7·6	145	145
Dr. Spurzheim.....	3·7	5·6	7·	145	145
La Fontaine.....	3·5	5·6	7·6	149	150
Swift.....	3·3	5·5	7·2	130	130
King Robert Bruce	3·4	5·4	7·1	130	130
Gen. Wurmser.....	3·2	5·3	6·9	115	115
Mil. of Vienna	3·	4·9	6·4	94	95
CRIMINAL.					
Haggart.....	3·2	5·	6·9	110	110
Bellingham	3·2	5·3	7·1	120	120

CRIMINAL.	Height.	Breadth.	Length.	Cubic M.	Proof.
Nisbet	3·2	5·	7·3	115	115
Griffiths	2·8	4·8	6·9	93	95
Tardy	3·4	5·4	7·3	128	130
Chinese Assassin	3·3	5·1	6·5	109	112
Agnes Clark	3·	5·	6·7	99	100
Chatham Convict	3·2	5·4	7·5	130	130
Buchannan	3·1	5·1	7·1	114	115
Cung. Debtor	3·1	5·2	6·7	108	110
French Soldier.....	3·2	4·9	6·4	100	100
NATIONAL.					
Icelander	3·1	5·2	6·9	110	110
Celt	3·1	5·	7·6	117	120
Swiss	3·2	5·3	6·6	112	115
Ancient Greek	3·3	5·2	6·7	115	118
Circassian	2·8	4·6	6·5	84	84
Armenian	3·2	4·6	6·6	97	97
Chinese	3·	5·3	6·5	98	100
Hindoo	3·1	4·8	6·8	103	105
Burmese	3.	5·	6·	90	90
Ceylonese	2·8	4·8	6·4	86	88
Native of Java	3·2	5·2	6·5	108	110
Papuan Islander	3·2	5·6	7·	126	130
New Holland Chief	3·1	5·	7·1	110	112
N. S. Wales Female	2·9	4·4	6·3	80	82
New Zealander	3·1	5·	7.	108	110
Moor	2·9	4·5	6·5	85	88
Peruvian	3·2	5·1	5·6	92	94
Negro	3·1	4·8	6·8	101	102
Ashantee	3·3	4·8	7·	111	112
Mozambique	3·1	5·1	7·4	117	120
Caffre Female	3·	4·6	6·9	95	95
Esquimaux	3·	4·7	6·4	90	92
Esquimaux	3·	4·7	6·8	96	98
North American Indian	3·	5·	5·8	87	90
Carib	3·	4·8	7·2	104	106
Peruvian	2·9	5·3	5·8	89	92
Brazil Indian	2·9	4·6	6·4	85	88
Chilese	3·	5·	6·4	96	98
Araucanian W.....	3·1	5·2	6·5	105	105
Ceyl. T. T. Boy	2·8	4·3	6·5	78	82

The examples given in the Table have been selected from those most likely to be familiar or accessible to phrenologists in this country. The majority of the casts are from O'Neil of Edinburgh. They are fully described in the "Phrenological Journal," "The System of Phrenology," by Mr. Combe, and other leading works on the science. Other casts of the same figures will probably differ slightly in some of the measures—will certainly do so, indeed, except taken with great care from the same mould; but such difference will not affect the main question in hand, namely, the approximation of the proposed measurement to the proof obtained in water. This, I respectfully submit, is sufficiently near for practical purposes, and sufficiently simple to be applicable to all cases.

A nearer approach to fractional accuracy may easily be made, with the same formula, by those who think it desirable. No extraordinary care has been exercised in preparing the Table. Fractions beyond the first decimal place have been dropt, and the cubic dimensions are expressed in the nearest integers. In short, the aim has been to exhibit such results as the student may readily obtain, after sufficient practice has given an ordinary degree of accuracy in executing the measurments and calculations.

AVERAGE SIZE.

We come now to enquire what is the average size, what the average range or variation of sizes, and what are the extremes of range which have been found to obtain among the nations and tribes regarding whom we possess any information on the point in hand. In other words, to determine mathematically, as nearly as may be, what is an average size of head—what is a large, a small head, &c.

Here it may be premised, that though the information possessed is neither so extensive nor so precise as could be desired, yet we hope to adduce such a chain of evidence as will warrant us in sketching the outline of a scale which will be useful, by rendering some important service, until we are prepared to substitute a better.

The first question in this department of our enquiry is that of *Age*. Should our enquiries be limited to the adult head, or should they embrace all ages, or stages of existence of the human being, from birth upwards? It seems to be generally admitted, that from ten years old to sixty is the period during

which phrenological observations may be made with greatest certainty, and such may possibly be the truth, especially as regards the latter period. But there are many questions yet to be settled, which require us to extend our observations to a period anterior to ten years of age—even to birth, I presume.

For example, the most extraordinary difference of opinion prevails at the present moment regarding the period at which the human head attains its full, fixed, or adult size, and this difference of opinion seems to be increasing rather than diminishing. To settle this question alone, if it is to be settled by phrenologists—and I know none either so competent or so strongly called upon by the interests of science to settle the point—would carry our inquiries back to three years of age, as we shall see presently.

Professor Tiedemann says, in the *Philosophical Transactions*, for 1836, p. 504, “The brain arrives, on an average, to its full size towards the seventh or eighth year. *Soemmering* says, erroneously, that the brain does not increase after the third year. The brothers *Wenzel* have shown that the brain arrives at its full growth about the seventh year. This is confirmed by *Hamilton's* researches. *Gall* and *Spurzheim*, on the other hand, are of opinion that the brain continues to grow till the fourteenth year.” *Gall* and *Spurzheim* will be found to be nearest the truth; and, in so far as they err, they will be found to have stated the age below rather than above the truth. I venture to think my conjectures well founded from such considerations as the following. The gradation of age and size, exemplified in the family quoted below, is what I have seen so often, that, in a similar family, I would expect to find a similar gradation as a matter of course:—

M.	aged 6 months,—size of head	72 cubic inches.
E.	3 years,	98
P.	5	104
Jn.	8	114
G.	10	121
L.	12	124
Mt.	20	128
Js.	18	133
Wm.	15	147
A.	22	142

Here, it will be observed, we find a gradation of relative age and size, which may be termed regular with irregularities. Wm., aged 15, had a larger head than any other member o

the family at birth, and he still retains the peculiarity. Mt., the daughter, 20, has rather less than Js., the son, at 18, a fact quite in harmony with the well known relative proportions of the male and female head. The other members of the family exhibit a regular gradation of age and size. To affirm that the head of any one of the family, even A., 22, has attained its full size, would be an assumption altogether unwarranted by any extensive class of facts that I know.

Persons engaged in the hat business have the most extensive means of knowing the size of heads. All such parties, that I have conversed with on the subject, are uniform in their testimony that the head rarely attains its full size before eighteen years of age, and frequently continues to increase till twenty-four, or even later.

Dr. J. B. Mège, of Paris, says, "The human brain requires from 45 to 50 years to attain its highest degree of development and activity. The head of Cuvier is an example of this law." Zoist, No. 10, p. 147.

If the experimental researches of Mr. Deville of London be admitted as evidence good for anything, they confirm that of Dr. Mège.

But, supposing, for a moment, the question of adult size to be settled, there are others equally important which remain to be so,—questions for which urgent reasons exist that they also should be settled as early and accurately as possible. This becomes obvious on reflecting that it is to the young of our race that Phrenology can render its most valuable aids. It is in behalf of the young (often far below ten years of age) that the phrenologist will most frequently be required to give an advice which may exercise very important influences on the life and future comfort of many of his fellow creatures. And that advice is sometimes requested under circumstances of such a nature, that a refusal to comply with the request would be attended with very pernicious consequences to the youthful subject. I could quote more than one such case, but think it unnecessary.

Now, though it may be quite true that the more minute characteristics of individual developement are not so distinctly to be seen before, as after, ten years of age, yet I offer it as a question, which my present evidence would lead me to answer in the affirmative, that the leading features of character are traceable at five years of age, and even sooner, in many cases. But, be that as it may, in order to prepare the phrenologist to render the greatest possible amount of service to the young, it is necessary that the following, and, it may be, other questions, be fully answered by an ample amount of evi-

dence :— What is the average size of the head at birth ? What is the range of sizes at the same period ? What is the rate, or rates, of increase at the different periods of infancy and youth ? What are the modifications of developement which take place between infancy and maturity ? What are the effects produced on developement and character, by training and circumstances ?

Such are some of the reasons why I regard it as essential that our enquiries should embrace all ages and sizes, from birth to fifty years at least.

Before we can render two of the sources of evidences which we are about to examine, available for our purpose, it is necessary to determine how the external measure of the head may be deduced from the internal capacity of the cranium. To effect this, I ascertained the ordinary thickness of the skull at the points of measurement, by examining a number of crania and fragments. I also ascertained the ordinary thickness of the covering integuments at the same points, and found that the calculation may be effected as follows :

To find the external from given internal dimensions of the cranium,—

Add .3 to the average height ;
 „ .23 to the average breadth ;
 „ .3 to the average length.

To infer the corresponding size of head from the external dimensions of the cranium,—

Add .3 to the average height ;
 „ .33 to the average breadth ;
 „ .3 to the average length.

We are now prepared to avail ourselves of the valuable evidence furnished to this department by Dr. S. G. Morton, in his work " Crania Americana." From that work, the columns of "internal capacity," (Int.) in the following table are quoted, from the Edinburgh Phrenological Journal, vol. 13, p. 357. The columns of external measure (Ext.) and size of the head (H) are found in the manner just specified.

	No. of S.	AVERAGE.			LARGEST.			SMALLEST.		
		Int.	Ex.	H.	Int.	Ext.	H.	Int.	Ext.	H.
Caucasian	52	87	105	130	109	131	159	75	92	114
Mongolian	10	83	101	125	93	112	138	69	85	106
Malay	18	81	99	123	89	107	132	64	78	98
American Aborig.	147	80	98	122	100	119	146	60	74	93
Ethiopian	29	78	96	119	94	113	139	65	79	99

The Caucasian variety is represented above by 52 specimens, all from the lowest classes of society, except one. This is an acknowledged defect.

In the American Phrenological Journal, Vol. 1. p. 287, we find a table of eight measurements of each of the heads of 52 of the "leading men" in America. From these measurements, I have endeavoured to estimate the size of the respective heads, and believe the following is very near the truth :—

Average of the whole 165. C. inches. Largest 170, smallest 145. C. inches.

The next inquirer in this department we come to notice is Dr. Frederick Tiedemann, Professor of Anatomy and Physiology in the University of Heidelberg. He executed an extensive series of experimental researches with a view to ascertain the size of the Negro brain, in comparison with the other races of man, and thence to infer the relative intellectual capacity of the African race.

That eminent Professor visited the principal European collections of crania. Among others, those of the University, the Phrenological Society, and Dr. Knox, Edinburgh; Surgical College, Dublin; Christ College, Oxford; St. Thomas', Guy's, St. Bartholomew's Hospitals, Hunterian and South's Museums, London; Museum of Frankfort, of Soemmerring, of Camper, &c. He measured all the specimens which he was fully satisfied of the authenticity of, and published the results of his labours in the Philosophical Transactions of the Royal Society, London, for 1836, p. 497-528.

The article gives very valuable evidence on the point in hand, but there are some reasons for doubting the entire accuracy of the capacities which may be inferred from the Tables given.

The Professor measured the internal capacity of each skull by filling it with "dry millet seed." He recorded the weight in pounds, ounces, and grains troy, in a series of tables given in his paper. Here a question occurs, Does "dry millet seed" weigh exactly the same, measure for measure, at all times, in all countries? If so, it is an exception to a very general rule. We shall grant that it is so; but a still more serious difficulty remains, Does a given weight of millet seed always occupy the same extent of space, whatever care may be taken in shaking, packing, or adjusting it? I must answer in the negative, and admit that here is a source of uncertainty, it may be of error, which it is much to be wished had not existed. Any one may verify this by taking a straight, smooth

glass tube, ten inches long, one inch or more in diameter, and closed at one end. Fill the tube carefully, but without shaking, of dry millet seed, quite full. It will then be found easy to shake the seed into less room, so far that one inch of the tube is empty. In other words, it is quite easy to err 10, 15, or 20 inches in measuring skulls by such means. The same objection, though not to the same extent, applies to the use of lead shot for such purposes. I have noticed this objection at some length, in order to put students on their guard, and to remind them that a liquid, such as mercury or water, is the most suitable substance wherewith to measure cranial capacity.

Let us take it for granted that each cranium was shaken, or packed, with a moderate and nearly uniform degree of care, and that dry millet seed, under such circumstances, weighs .45 oz. Troy, per cubic inch, which, I believe is very near the truth, but would respectfully suggest to such phrenologists as can identify any of the specimens measured by the Professor, to repeat the measurements in some way which cannot be mistaken, and to publish the results, in order to secure the evidence of the Tables on a less doubtful basis. From the data just stated, I have calculated the internal capacities of the crania, and from this the external and the corresponding size of head, in the manner previously stated, and thus obtain the following Table:—

	No. of S.	AVERAGE.			LARGEST.			SMALLEST.		
		Int.	Ext.	H.	Int.	Ext.	H.	Int.	Ext.	H.
European	77	92	111	137	109	131	159	73	90	112
Mongolian	20	86	103	127	99	118	145	55	69	88
Asiatic	24	81	96	119	92	111	137	62	76	95
Malay	38	86	103	127	109	131	159	42	55	72
American Aborig.	27	87	105	130	101	120	147	58	72	91
Ethiopian	38	84	102	126	97	116	141	70	86	107

Our next source of evidence is the measurements in use by those engaged in the hat business. This, at the first glance, may appear to some to be of little value for our present purpose, inasmuch as we only obtain the measurement of the head in one line. Hat measure, or even a series of two, three, or more measures taken in a similar way, is, unquestionably, altogether worthless, when applied to measure the absolute size of *individual* heads. But, when used so extensively as to ensure an average shape of head for each size

in the series, the case is entirely altered. Now, hat measure being so extensively applied as to secure, beyond all doubt, an average shape to each size, it becomes legitimate for our purpose, provided we know the average dimensions of head corresponding to each size of hat. This I have endeavoured to ascertain by an extensive series of comparisons, and submit the following table as an approximation to the truth.

Hat.	C. inches, Head.	Hat.	C. inches, Head.
8	200 to 220	6 $\frac{1}{2}$	120 to 135
7 $\frac{1}{2}$	190 , 210	6 $\frac{1}{4}$	110 , 120
7 $\frac{3}{4}$	175 , 195	6 $\frac{5}{8}$	100 , 110
7 $\frac{1}{4}$	160 , 180	6 $\frac{1}{2}$	90 , 100
7 $\frac{1}{4}$	150 , 165	6 $\frac{1}{8}$ to 6	80 , 95
7 $\frac{3}{8}$	140 , 155	6 , 5	50 , 80
7	130 , 145		

It would not be difficult to give a much more definite value to each size than I have ventured to state. It would be somewhat laborious; but it may be made so extensively useful in determining both local and general peculiarities of size, that, to facilitate future investigations, I would respectfully suggest that phrenologists should combine their observations, in order to determine the value of each size as soon and as nearly as possible.

It ought to be noticed that there is a slight difference, to the extent of half a size or rather more, in the standards of different manufacturers. I have based my table on the standard in most general use among the English firms.

Of the statements given me by a number of most respectable parties, whose experience in the hat business extends from ten to fifty years, I present the following brief summary:

The average size of the Scotch adult male heads is between 7 and 7 $\frac{1}{2}$ (130 to 155), rather nearer the latter than the former, say 147 C. inches. The average range of sizes is from 6 $\frac{1}{2}$ to 7 $\frac{1}{2}$ (120 to 165). 6 $\frac{1}{4}$ (110 to 120) is rather rare, and sizes below that very rare. That 7 $\frac{3}{4}$ and 7 $\frac{1}{2}$ (160 to 180) are not unusual,—7 $\frac{1}{4}$ is rare, and above that very rare. The adult female head averages about 125 inches, and the range of sizes is from 10 to 20 inches below the male head.

It is a general opinion that the size of the head varies to the extent of one size up or down in different localities. The Aberdonians, for example, get credit for being rather above the average of the Scotch. The fishing communities along the coast, and the native Highlanders, are considered rather below the average. The examination of general features is

what I here confine myself to, leaving local peculiarities till much more extensive evidence be accumulated. I shall only remark, in passing, that the evidence I possess is not conclusive regarding the superior size of the Aberdonian heads; as to the fishing communities which I have had an opportunity of seeing, the prevailing opinion is borne out by some villages and not so by others.

In an excellent paper by a London hatter, published in the Edinburgh Phrenological Journal, vol. 4, we are furnished with an extensive chain of evidence on the size of hats required in various parts of England. I have heard the statements contained in that paper confirmed in many particulars (not in all) by gentlemen extensively connected with the business; and confidently offer a summary of the general details. The average size of the English adult male head is 7 (130 to 145), and the average range from 6 $\frac{3}{4}$ to 7 $\frac{1}{2}$ (?) (80 to 185). The female head ranges from 6 $\frac{3}{4}$ to 7 $\frac{1}{2}$ (80 to 155). In the lower ranks of life the majority are below 7. In Spitalfields, Coventry, Essex, Hertford, Suffolk, and Norfolk, 6 $\frac{3}{4}$, 6 $\frac{1}{2}$, and 6 $\frac{5}{8}$ (80 to 110) are prevailing sizes of male heads. Devonshire and Herefordshire average above London. Lancashire, Yorkshire, Cumberland, and Northumberland have more large heads, in proportion, than any other part of the country.

The evidence, based on hatter's measure, may be summed up thus:—

	Average.	Average range.
Scotch, adult Male	147 cubic inches	120 to 165
" Female	130	100 — 145
English, adult Male	137	80 — 170 (?)
" Female	120	80 — 155

The evidence already quoted in this department is derived from sources so completely independent of each other, and, though varied and extensive, is nevertheless so harmonious the different parts with each other, and with phrenological observation in general, (exemplified in the Tables, pages 9 and 10), regarding the different races of mankind, that it appears to me to furnish an approximation to, *first*, the *average size* of head; and, *second*, the *average range* of sizes of the different races, which is not likely to be materially altered until phrenological observations have been extensively accumulated among each race on its native soil.

SMALLEST SIZES.

We turn now to consider the extremes of range,—those points on the scale of size which nature rarely attains and

never passes, either upwards or downwards, in any individual of healthy normal structure, and competent mental capacity to fulfil the imperative duties of life. This is the most difficult part, especially to discover the minimum, or smallest size, the point below which none but idiots can be found.

After ten years' practice in observation, during which I have measured more than 3000 heads, and formed an eye estimate of more than ten times that number, measuring every head in any way remarkable to which I could obtain access, I have to report the following as unique in my experience in the respective classes to which they belong :—

— L_____, Esq., a gentleman of talents and learning, size of head, 111 cubic inches. C. A., aged 60, a village politician, orator, wit, poet, and tinker, a little above 100. Robert Duncan, aged 29, found employed in a large manufactory, 92. Robert Gibson, pauper, found in the Public Soup Kitchen, Aberdeen, one day,—18th May, 1845,—when all the youths found begging were conveyed there, during a benevolent effort to suppress juvenile mendicity, age about 7, 82 cubic inches. Girl belonging to a fisher's family, age between 6 and 7, size of head, 72 cubic inches.

From the hatter's evidence previously quoted, we learn that 80 cubic inches is a common size of adult male heads in Spitalfields and some other parts. We are warranted from thence to infer that adult female heads are to be found somewhat less—say 70 inches,—and boys and girls still less, at or below 60 inches.

Dr. Voisin of the Hospital of Incurables, Paris, as quoted by Mr. Combe, in his System of Phrenology, 4th edit. p. 40, states that "heads, 13 inches round and 9 over, are idiots of the lowest class. Heads, 17 inches round and 12 over, give glimpses of feeling and random intellectual perceptions, but without power of attention, or fixidity of ideas," and "heads of 18 inches round give intellectual manifestations, regular, but deficient in intensity." Now, heads of 13 inches round and 9 over will generally range between 40 and 50 inches, cubic measure. Those of 17 round and 12 over will range about 70 ; and those of 18 inches round would, if tolerably well balanced, range 80 to 85 cubic inches. I must take leave to doubt the inferences which the latter part of the quotation would, without explanation, lead to. The pauper boy that I found in the Public Soup Kitchen had, as I have stated, a head of only 82 cubic inches, but it was well balanced, the constitutional temperament highly nervous, and the boy is quite as intelligent as could be expected at his age, in his circumstances.

I think it highly probable that the heads of 17 and 18 inches round, noticed by Dr. Voisin, were defective in regard to either balance of parts, health, normal structure, or temperament: the latter I think most likely. And, to show cause for my conjecture, may here remark that, from the study of, not individuals only, but whole communities, living distinct from each other, but in precisely similar circumstances, I am disposed to believe that a person in whom the nervous temperament predominates, with a head of 120 inches, is equal, or nearly so, in mental scope and energy, to a person with a head of 140 inches, in whom the lymphatic temperament predominates.

In a quotation from a Memoir by Dr. James Y. Simpson, Professor of Midwifery in the University of Edinburgh, given in the Phrenological Journal, for July, 1845, p. 245, we find the average measurements of the heads of 60 male and 60 female children at birth given thus:—

Males,	13·983 in. round, and 7·429 in. over from ear to ear.		
Females,	13·617	7·221	_____

This implies an average cubic measure of about 40 inches. And as some are more and some less, the probable range of the infant head at birth may be from 30 inches, or less, to 50 inches, or more, but evidence to fix the limits is wanting.

LARGEST SIZES.

The MAXIMUM.—The highest point, on the scale of size, should not be so very difficult to determine, seeing that the largest heads are precisely those most likely to make their existence known among their fellow-men—to stamp their impress, good or bad, as the case may be, on the age in which they live.

CAUCASIAN.—The largest head of which I have had an opportunity of measuring the plaster cast is that of Joseph Hume, Esq., M.P. After making ample allowance for hair, the cast gives a cubic measure above 210 inches. I have been told, by what I believe to be good authority, that Mr. Hume requires a hat of $8\frac{1}{2}$, and that Daniel O'Connell, Esq., the famous Irish M.P., requires a hat nearly the same size. If this be true, and if the ordinary portraits which we see of him be tolerably correct, his head is broad in more than the average proportion, and must, therefore, be about equal in size to that of Mr. Hume. Mr. O'Connell appears also to combine a peculiarity which I have rarely found in large

heads, namely, a very active and enduring temperament. Napoleon Buonaparte was an extraordinary example of such a combination. In short, we may safely assume that 220 cubic inches is about the extreme limits of size which the healthy human head ever attains among the Caucasian race.

MONGOLIAN.—The largest head of this race which I have seen a measurement of, and whose history is known, is that of Tyloolick, an Esquimaux, who accompanied Captain Parry in one of his expeditions. The skull, according to Professor Tiedemann, measures 99 inches internal, hence the head must have been about 145 cubic inches. Eenoolooapik, a young Esquimaux chief, who accompanied Captain Penny in the whaling ship, St. Andrews, to this country, a year or two ago, has a head about the same size as his countryman just named.

AMERICAN ABORIGINES.—The largest head of this race, whose measurement and history I have seen, is the famous warrior and chief, "Black Hawk,"—rather more than 165 inches.

ASIATIC.—The Rajah Rammohun Roy stands pre-eminent among the Asiatics known in this country for a head of great size, finely balanced. The cast we possess measures, after allowing for hair, above 185 inches.

MALAYAN.—Professor Tiedemann gives a male native of Huaheine, equal to 159 inches. We have no sketch of history, however, whereby to discover whether the head was healthy or not.

ETHIOPIAN.—The cast of the head of Eustache, the amiable and talented negro of St. Domingo—one of the finest specimens of human nature ever known—measures 155 inches. Professor Tiedemann gives a negro of Congo equal to 170 inches; but it is so far above the next highest specimen measured, that, in the absence of a sketch of history, I do not venture to adopt its measure.

The following is a condensed view of the entire evidence connected with this department:—

	Average.	Average Range.	Extreme Range.	
Caucasian	137	100 to 160	40 or less	to 220
Mongolian	127	90 " 140	40	" 145
Malayan	126	98 " 132	40	" 159
Ethiopian.....	123	100 " 139	40	" 155
American Abor..	122	93 " 146	40	" 165
Asiatic	119	95 " 137	40	" 185

It remains in this department to suggest a scale, by the use of which the student will obtain definite ideas of what is meant by a "large head," a small, a full, a moderate-sized head, &c. It fortunately happens that this is a very simple and easy part of the matter, inasmuch as we find it already in use all but complete.

The following scale which we are in the habit of using to designate size in our ordinary practice, will, with the simplest possible addition, be admirably adapted to the purpose in view.

SCALE IN USE.

1.	12. Rather full.
2. Idiocy.	13. Rather full or full.
3.	14. Full.
4. Very small.	15. Full or rather large.
5. Very small or small.	16. Rather large.
6. Small.	17. Rather large or large.
7. Small or rather small.	18. Large.
8. Rather small.	19. Large or very large.
9. Rather small or moderate.	20. Very large.
10. Moderate.	21. Very large or extra large.
11. Moderate or rather full.	22. Extra large.

To designate the absolute size of the head, it is only necessary to add a 0 to each number of the series, to represent the cubic inches, and the words, retained as they stand, have a definite mathematical meaning which cannot be misunderstood.

PROPOSED SCALE.

C. Inches	C. Inches
10.	120. Rather full.
20.	130. Rather full or full.
30. Idiocy	140. Full.
40. and	150. Full or rather full.
50. Infancy.	160. Rather large.
60. Small.	170. Rather large or large.
70. Small or rather small.	180. Large.
80. Rather small.	190. Large or very large.
90. R. small or moderate.	200. Very large.
100. Moderate.	210. Very large or extra large
110. Moderate or rather full.	220. Extra large.

If it be admitted that the human head can be measured with the degree of precision which we have exemplified,—that

the degree of precision is sufficient for practical purposes, and that the mathematical value proposed to be given to the terms of the scale is warranted by a sufficient amount of evidence,—it will farther be admitted that it is essential for the interests of science to retain the same meaning or value, in the subsequent steps of estimating and recording the size of the different parts or cerebral organs; and that such can be done, with a degree of accuracy exactly proportioned to the skill or observing capabilities of the party using the scale.

EXAMPLE.—Given, a head of 140 cubic inches, in which five different degrees of size of organs are just perceptible, two above the medium or average size, and two below. The proper designation of size for the medium organs would obviously be 14, *i. e.* "full." The next size above medium, if only just perceptibly larger to the eye of a *competent* observer, must be 15, "full or rather large," meaning thereby just equal to the organs in an accurately balanced head of 150 cubic inches. The largest organs in the given head will be 16, "rather large," or equal to an equally balanced head of 160 inches.

The next size below the medium would be 13, "moderate, or rather full," and the smallest would be 12, "moderate," equal to the organs in a truly balanced head of 120 cubic inches.

The same method might, of course, be adopted with heads of 100, 150, 160, or any other size, and whether the organs exhibited one, two, three, or more gradations of size above or below the medium.

It will be admitted that some such degree of accuracy as that referred to is exceedingly desirable,—is attempted indeed by every observer, and necessarily so. With what success is another question, one on which doubts are, with good reason, entertained by many minds. And such doubts (whether well founded or otherwise,) are not likely to be removed, but by estimating size in the practice of observation, with a much greater degree of mathematical precision than is commonly attempted. Whether such can be done or not, remains to be seen. It appears to me that it can be so; and I proceed to show in what way, only premising that the method to be submitted may neither be the only nor the best way. I merely offer it as useful, till a better appear.

MEASUREMENT OF PARTS.

After measuring the head as a whole, I propose then to measure that whole, in four or five separate parts; and if the measurement of the parts can be executed with nearly as much accuracy as that of the whole, some important advantages will thereby be obtained. It will give us the means of checking or proving the accuracy of our measurements in cases where proof by other means cannot be conveniently obtained, as is most frequently the case with the living head. Again, by determining, with something like mathematical accuracy, the size of separate portions or distinct regions of the head, we furnish the eye with an aid or standard whereby to estimate the more minute subdivisions—the separate organs of each group.

The regions or compartments which it is proposed to measure separately are—

First, The Frontal region, or compartment of the intellectual faculties.

Second, The Coronal, or region of the superior sentiments.

Third, The Occipital, or region of the domestic feelings and inferior sentiments.

Fourth, The Lateral region, or aggressive group of organs.

The last named region is, in reality, two separate groups, or portions, one on each side of the head, but, for the sake of simplicity, is spoken of here throughout as one. It is proposed to measure each region or portion just named as if it were formed like a pyramid—the apex dipping into the medulla oblongata, and the base being a specified part of the surface of the head or cranium. It is not, of course, meant to be understood that each portion is, strictly speaking, a cerebral pyramid in natural structure, it being well known that all the fibres do not pass directly from the surface to the centre of the brain; but the irregularities, if such they may be called, are supposed to be constant, and a pyramidal figure is that which, from anatomical and mathematical considerations, it appears proper to measure.

In determining the superficial space on the head, in other words, the base of the pyramidal portions to be measured, it would obviously be impossible to adhere strictly to the outlines of the different regions or groups of organs which we are accustomed to contemplate in studying Phrenology, and

even though it were quite practicable to determine the precise position of the outlines in every case, their irregular waving course would complicate the measurements far too much for practice. For our present purpose, however, it is not considered necessary to attempt to follow the precise Phrenological outlines. It is believed that a sufficient approximation to accuracy is obtained if we measure the largest possible portion, or nearly so, in each region, to which a regular outline of surface can be easily and certainly found by observing anatomical points and lines—provided that the part measured always bears a proportional relation of size to the entire region. This is what I propose to do. The superficial space measured of each region will therefore be a parallelogram, more or less long, more or less broad, according to the measurements of each individual case—and always below the actual size of the Phrenological group measured.

ANTERIOR.

(The numbers refer to the plate, and points of measurement, described page 6.)

Length.....	From 32	to	32
Breadth	From 22	"	13
Height	From 6	"	32

NOTE.—Breadth—From 22 to 13, and from 23 on one side to 35 on the other, are measurements so nearly uniform in most cases, that, in practice, I generally prefer the latter, because the points are readily seen.

CORONAL.

Length.....	From 15	to	13
Breadth	From 19	"	19
Height.....	From 6	"	16

NOTE.—Length—From 15 to 13, and from 12 to 35 are usually the same, except in peculiar cases. The measure may therefore be taken *from* any point on the line joining 15 and 12, *to* any point on the line from 13 to 35, which obviously gives the truest average of the space indicated.

Breadth.—Avoid irregularities on the temporal ridge.

Height.—In most cases the calliper may be passed on line from 16 to near 35, touching the surface at all points.

LATERAL.

Length.....	From 2	to	9
Breadth.....	From 6	"	12
Height...The average breadth of the head.			

NOTE.—The Lateral is really two parts, one on each side, and may be measured as such by taking one-sixth the height, calculating twice, and adding the products; but as only additional trouble would be gained, it is better to calculate the two as one, following the general rule.

POSTERIOR.

Length	From 1	to 15
Breadth.....	From 11	" 11
Height	From 6 "	3

NOTE.—Length.—In most cases the calliper may be passed from near 12 on one side to the other, touching the surface at all points. It is, therefore, easy to avoid irregularities.

Height—avoid irregularities at 3, by measuring a little to one side.

Generally—Avoid local irregularities by taking that which is most obviously the nearest average of the specified measurement.

RULE.—To find the cubic contents, Multiply the *length* by the *breadth*, and the product by one-third the *height*.

Example.	Lenth.	Brdth.	Hght.	C. M. or nearest integer.
Anterior.....	$3 \cdot 7 \times 2 \cdot 7 \times \frac{4 \cdot 5}{3}$	(i. e. 1.5)	=14.985	say 15 c. inches.
Coronal.....	$4 \cdot 4 \times 5 \cdot 2 \times \frac{4 \cdot 8}{3}$	(i. e. 1.6)	=44.928	,, 45 do.
Lateral	$4 \cdot 9 \times 3 \cdot 4 \times \frac{5 \cdot 4}{3}$	(i. e. 1.8)	=29.988	,, 30 do.
Posterior.....	$5 \cdot 2 \times 5 \cdot 1 \times \frac{5 \cdot 2}{3}$	(i. e. 1.7)	=44.28	,, 45 do.
Aggregate.....	$134 \cdot 881$			
	say 135 c. inches.			

The above measurement in regions, is that of a head which by proof gives 150 inches. The aggregate is, therefore, less than the proof by 15 inches, *i. e.* equal to one-tenth part of the whole head.

The deficiency is, as I have already stated, intentional, and practically unavoidable. It is of no consequence, however, if it be very nearly equal on each part *in proportion to its size*. The student may easily examine for himself by lining and pointing a cast or skull in the manner specified page 7, and then measuring the specimen, when he will find that the *anterior* is measured slightly too short. The *coronal* is measured rather too narrow. The *lateral* does not in-

clude a part near the medulla oblongata; a protuberance, so to speak, on the lower side of the pyramid is not measured. The same remark applies to the *posterior* portion. I repeat, then, that each part is deficient, as nearly as can be, in proportion to its size, and that deficiency is a constant quantity, viz. one-tenth part. The correction is, therefore, so simple, that it can be instantly made to any possible number within our range of calculation. Thus the preceding example is corrected as follows, and all others in the same way :

	Measured.	Add One-tenth.	Corrected.
Anterior.....	15 inches.	1·5	= 16·5 inches.
Coronal.....	45 "	4·5	= 49·5 "
Lateral.....	30 "	3.	= 33. "
Posterior	45 "	4·5	= 49·5 "
	—	—	—
	135	13·5	= 148·5 proof 150.

In practice, it simplifies the process very much to omit the correction in all the parts except the aggregate; and every useful purpose is answered, when it is distinctly understood and recollects that the correction has to be made.

The proposed mode of measuring the head in parts is exemplified in a subsequent table, by the same list of specimen cases already given pages 9 and 10.

The measurements of the different regions, the aggregates, corrections, and proofs, are inserted in successive columns. From these the accuracy, which it is not difficult to attain, may be judged of.

EQUALLY BALANCED HEADS.

To facilitate the comparison in the practice of observation and inference, one essential, among many necessary to be known, is the corresponding measurements of the same parts of "equally balanced" heads—that is, heads which exhibit a certain proportion in the relative size of parts, whatever the absolute size of the whole may be. Heads which are presumed to possess equal innate power, adaptation, or capability of mental manifestation in all the parts or organs, and to have no native tendency in any one particular direction more than another, except that which circumstances may impart, such heads are called *equally balanced*—meaning thereby, equal

balance in the CAPABILITY of the parts to execute the functions assigned them in nature, though it may be very unequal in absolute size of parts, as we shall see presently.

Such heads are very rarely, perhaps never, seen complete in all parts; but, among the great mass of human beings, many present a near approach to an equal balance (or what is supposed to be so) in some one or more parts of the head. To determine with certainty what is an equally balanced head will require very extensive observation and inference; but it is not so difficult to approximate the solution of the problem with a degree of accuracy that will be useful.

From the measurements of a large number of the best balanced heads I have seen, I am led to infer that the following are the proportions of the different regions, measured in the manner above specified:—

The *Anterior*, or intellectual region, is one-tenth part of cubic measure of the whole head.

The *Coronal* is equal to three times the Anterior, or three-tenths of the head.

The *Posterior* is equal to the Coronal.

The *Lateral* is equal to twice the Anterior, or two-tenths of the measure of the head.

Such, it appears to me, are the uniform proportions of an equally balanced head, measured in the way proposed.

EXAMPLES.

Size of Head.	Anterior, 1-tenth.	Coronal, 3-tenths.	Lateral, 2-tenths.	Poster. 3-tenths.	Sum.	Add 1-tenth.	Aggregate.
150	15	45	30	45	135	13·5	148·5
148	14·8	44·4	29·6	44·4	133·2	13·32	146·52
134	13·4	40·2	26·8	40·2	120·6	12·06	132·66
96	9·6	28·8	19·2	28·8	86·4	8·64	95·04
82·4	8·24	24·72	16·48	24·72	74·16	7·42	81·58

One of the many services for which we are indebted to the Edinburgh Phrenologists, is the publishing, in 1829, of a Model Bust, which, so far as I am able to judge from the best copy of it which I have seen, exhibits the proportions above stated in every particular. The size is 150 inches.

The following table shows the measurement of the regions of a series of models corresponding to each ten inches of the scale of size from 60 inches to 200: it will enable the student to compare, at sight, the measurements of any head with a model of a greater, a less, or a corresponding size:—

MODELS.

Size.	Anter.	Cor.	Lateral.	Poster.	Sum.	Correc.	Aggregate.
60	6	18	12	18	54	6	60
70	7	21	14	21	63	7	70
80	8	24	16	24	72	8	80
90	9	27	18	27	81	9	90
100	10	30	20	30	90	10	100
110	11	33	22	33	99	11	110
120	12	36	24	36	108	12	120
130	13	39	26	39	117	13	130
140	14	42	28	42	126	14	140
150	15	45	30	45	135	15	150
160	16	48	32	48	144	16	160
170	17	51	34	51	153	17	170
180	18	54	36	54	162	18	180
190	19	57	38	57	171	19	190
200	20	60	40	60	180	20	200

Whether or not the proportions above stated are those of an equally balanced head, is a proposition which every head, cast, and cranium, whether of the living or the dead, that we have access to examine, and of which the history or manifestations are known, give their individual items of evidence for or against. It matters not either how near to, or how far from, a true balance the specimen may be, if the character and circumstances are clearly defined—the quota of evidence is equally conclusive. Neither does it matter what particular “type” the head may range under; the equal balance proportions are, so far as I have seen, still the same. It will readily be understood that every variety of size may exhibit the same shape and proportions, and that the same size may exhibit every variety of shape and proportions, but it may not be so readily admitted that the same size and proportions may be found in a considerable variety of shapes; yet so it appears to be. The long and narrow head, such as Mr. Goss; the short and square head, such as Dr. Gall, or Cordonnier; the round and high heads, such as Mr. King, and the common busts of Sir Walter Scott, may, I believe often do, exhibit the same size in whole and proportion of parts as the type represented by the model bust.

MEASUREMENT OF REGIONS.

HEADS.	Proof.	Anter.	Coron.	Later.	Poster.	Sum.	Add.	Entire.
Dr. Gall	174	20	54	34	46	154	15	169
Rev. Mr. M.	165	17	53	37	43	150	15	165
R. B. Sheridan	166	16	45	36	50	148	15	163
F. Cordonnier	180	19	49	41	52	161	16	177
Rajah Ra. Roy	190	19	64	38	45	166	17	183
French M.D.	178	17	48	41	54	160	16	176
Mr. Goss	178	19	58	37	42	156	16	172
Robert Owen	155	15	43	34	44	136	14	150
Mr. King	160	19	45	34	45	143	14	157
Mr. Terry	160	16	44	34	48	142	14	156
Horace Smith	165	19	47	37	41	144	14	158
Ann Ross	114	11	28	25	37	101	10	111
Clara Fisher	117	10	33	26	35	104	10	114
Eustache	155	15	51	31	41	138	14	152
MURDERERS.								
Hare	150	16	40	40	44	136	14	150
Burke	148	14	42	38	41	135	13	148
Allan of Aberdeen	148	15	35	37	46	132	13	145
Adam of Inverness,	145	14	35	32	48	129	13	142
Greenacre	135	14	32	32	42	120	12	132
Courvozier	180	16	46	43	55	160	16	176
Linn, Parricide	180	18	46	46	46	159	16	175
Thurtell	160	17	44	38	42	141	14	145
M. M Innes	135	13	31	36	39	119	12	131
Dean	152	13	37	40	46	136	14	150
Martin, Parricide	138	12	32	37	40	121	12	133
SKULLS.								
Robert Burns	145	16	46	30	41	132	13	145
Dr. Spurzheim	145	16	40	30	42	128	13	141
La Fontaine	150	15	41	33	45	134	13	147
Swift	130	13	36	32	35	115	12	127
King Robert Bruce,	130	12	33	32	41	118	12	130
Gen. Wurmser	115	12	30	28	32	102	10	112
Mil. of Vienna	95	8	27	23	28	86	9	95
CRIMINAL.								
Haggart	110	12	32	25	29	98	10	108
Bellingham	120	13	30	28	36	107	11	118

CRIMINAL.	Proof.	Anter.	Coron.	Later.	Poster.	Sum.	Add.	Entire.
Nisbet -----	115	10	32	28	35	105	10	115
Griffiths -----	95	6	23	24	32	85	8	93
Tardy -----	130	13	34	32	37	116	12	128
Chinese Assassin-----	112	9	31	24	35	99	10	109
Agnes Clark-----	100	10	29	25	27	91	9	100
Chatham Convict-----	130	12	36	34	35	116	12	128
Buchannan -----	115	11	34	27	33	105	10	115
Cung. Debtor -----	110	12	29	27	30	98	10	108
French Soldier -----	100	8	26	23	34	91	9	100
NATIONAL.								
Icelander -----	110	10	30	26	31	97	10	107
Celt -----	120	12	31	28	35	106	11	117
Swiss -----	115	10	34	26	31	101	10	111
Ancient Greek -----	118	11	33	29	33	106	11	117
Circassian -----	84	7	24	19	25	75	7	82
Armenian -----	97	8	28	22	27	85	9	94
Chinese -----	100	9	29	25	26	89	9	98
Hindoo -----	105	8	31	22	32	95	9	104
Burmese -----	90	8	25	23	26	82	8	90
Ceylonese -----	88	7	26	21	24	78	8	86
Native of Java -----	110	8	32	21	29	97	10	107
Papuan Islander -----	130	10	36	34	37	117	12	129
N. Holland Chief-----	112	10	30	25	35	100	10	110
N. S. W. Female -----	82	8	20	19	25	72	7	79
New Zealander -----	110	8	31	27	31	97	10	107
Moor -----	88	8	26	21	23	78	8	86
Peruvian -----	94	8	26	22	27	84	8	92
Negro -----	102	5½	26	25	33	90	9	99
Ashantee -----	112	9	30	24	35	98	10	108
Mozambique -----	120	11	32	29	34	106	11	117
Caffre Female -----	95	9	24	21	30	84	8	92
Esquimaux -----	92	8	24	22	29	83	8	91
Esquimaux -----	98	8	23	25	30	86	9	95
N. Americ. Indian, -----	90	9	25	23	24	80	8	88
Carib -----	106	7	26	29	33	95	10	105
Peruvian -----	92	8	24	24	25	83	8	91
Brazil Indian -----	88	8	24	20	27	79	8	87
Chilese -----	98	8	27	23	30	88	9	97
Araucanian War.-----	105	9	24	26	24	93	9	102
Ceyl. T. T. Boy -----	82	6	22	17	26	71	7	78

I will now take leave to assume that the reader is prepared to examine the cases quoted in the table of the measurements of regions, to compare these with each other, with model proportions of all sizes, with any other heads whatever, and with the published memoirs of the different individuals, and from the whole to judge how far the measurements given are in accordance, or otherwise, with each other, and with the known characters.

I may first remark, however, that it is the constant, or general features only, of the individual character, which will be made apparent in most cases by the measurements. When striking features of character turn upon one or two prominent or defective organs in one or more of the groups, such features will appear in the measurements so far only as the general size of the region is affected by the excess or deficiency.

EXAMPLE I.

	Intel.	Mor.	Aggr.	Dom.
Caucas. Model, average size,	137	14	41	27
Dr. Gall,.....	174	20	54	34
Model, correspond.size,...	174	17	52	35

The first remarkable peculiarity of Dr. Gall's head is great size, 174 inches—the average of his race being 137. The second is the still greater size of the anterior, or intellectual region, 20 inches—the model proportion being 17 inches for the corresponding size, and 14 inches for the average. The coronal region appears by the cast to be unequally balanced in some of the organs; but, upon the whole, it is slightly above the model proportions, and far above the average—being 54 to 41. The lateral is slightly below the model (34 to 35), and the posterior still farther below (27 to 35).

EXAMPLE II.

	Intel.	Mor.	Aggr.	Dom.
Asiatic. Model, average size,	119	12	36	24
Rajah Ramah. Roy,.....	190	19	64	38
Model, correspond.size,...	190	19	57	38

Rajah R. Roy, the famous Hindoo chief, was a philosopher and a philanthropist of the highest order. In size of head, he towers above his fellow-Asiatics like a giant among pygmies—he being 190, they averaging 119. The intellect is exactly the model size on the whole, but some of the organs are slightly above and others slightly below the equal balance. The coronal is far above the model size. Some of the organs are far below and others farther above the model balance.

EXAMPLE III.

	Intel.	Mor.	Aggr.	Dom.
Caucas. Model, average size,.....	137	14	41	27
..... 27	41			
Hare,	150	16	40	40
Model, correspond. size,...	150	15	45	30
				45

Hare, the associate of the notorious Burke, it is allowed by all, was the more infamous of the two. Burke had the first offer to be admitted king's evidence, and he refused. Hare sacrificed his associate to save himself. His head is considerably above the average (150 to 137). The intellect is above the model proportion (16 to 15), and still farther above the average (16 to 14). The coronal is not only below the model (40 to 50), but even below the average (40 to 41). The aggressive is far above the model (40 to 30), and still farther above the average (40 to 27). The disproportion between the moral (5 below) and the aggressive (10 above) is 15 inches, being nearly the entire size of the intellect.

EXAMPLE IV.

	Intel.	Mor.	Aggr.	Dom.
Ethiopian. Model, aver.size,...	123	12	36	24
..... 36				
Eustache,	155	15	51	31
Model, cor. size,...	155	15·5	46·5	31
				46·5

Eustache.—“No situation could be more unfavourable to virtuous conduct than that of Eustache when he was a slave, associated with slaves in a war of extermination against their masters; yet such was the preserving power of a high moral and intellectual organization, that he nobly discharged his duty to both belligerents, and triumphed over every temptation.” *Mr. Combe's System*, p. 776. During an insurrection in the Island of St. Domingo, he was the means of saving the lives of more than 400 of the white population. In every situation in which he was placed, he discharged his duty with unexampled industry and fidelity. The French Institute awarded to him the “Prize of Virtue,” on the 9th of August, 1832, and the Government gave him a handsome annuity.

The head of Eustache is far above the Negro average, (155 to 123.) The anterior is equal to the model proportions. The coronal is above the model (51 to 46), and several of the organs are much farther above the equal balance.

Among the multitude of comparisons which will readily suggest themselves to the mind of the student, I shall only instance one more, viz.:—instead of comparing the size of

the different regions with each other, and with those of other heads, compare the different sizes of model, or equally balanced heads which correspond with the separate regions of the individual heads, thus—

Measurement of Regions.				Corresponding Size of Model Heads.				
	Intel.	Mor.	Aggr.	Dom.	Intel.	Mor.	Aggr.	Dom.
Dr. Gall	20	54	34	46	200	180	170	153
R. R. Roy	19	64	38	45	190	210	190	150
Hare	16	40	40	44	160	130	210	145
Eustache	15	51	31	41	150	170	155	140
Linn	18	46	46	46	180	153	230	153
Greenacre	14	32	32	42	140	110	160	160

Here we see the anterior region of Dr. Gall's head is equal to the same part of a model of 200 inches. The coronal in R. R. Roy equals that in a model of 210. The lateral region of Linn is equal to the same region in a model head of 230 inches. Thus may the comparisons be varied to any extent, and in any way which may be deemed most appropriate to elucidate the concomitance of size and character.

It must be admitted, however, that we are not yet prepared to understand the full force or value of such comparisons, and indeed cannot be so, until it is known what degree of functional energy, or what amount of mental manifestation corresponds to given sizes of heads, regions, and organs, under specified circumstances; the first essential step towards the solution of this problem, or rather series of problems, is to determine absolute size of parts with the necessary degree of accuracy.

From what has been stated regarding the measurement and proportions of parts, it will be obvious that the volume of each region, as ascertained in the manner specified, determines its place on the scale of size, or, in other words, gives the average size of the organs composing the group. Thus,

Anterior.—The cubic inches and the point on the scale are always the same.

Examples.

10 inches, moderate; 14, full; 16, rather large; 18, large.

Coronal.—The cubic inches divided by 3, gives the point on the scale.

Examples.

$42 \div 3 = 14$, full. $48 \div 3 = 16$, rather large.

Occipital same as the coronal.

Lateral.—The cubic inches divided by 2, gives the point on the scale.

Examples.

$20 \div 2 = 10$, moderate. $30 \div 2 = 15$, full, or rather large

It remains for the eye to determine the size of the individual organs, guided throughout by the ascertained average, in retaining as nearly as possible the mathematical value of the terms used. This is to be done in the manner described page 23, with this difference, that the absolute size of each region (instead of that of the head) is now to be taken as the basis of estimate and comparison.



A FEW WORDS
ON THE
FELLOWSHIP,
WITH A
SUGGESTION CONCERNING THE PRESENT CRISIS,
ADDRESSED TO THE
PRESIDENT AND COUNCIL
OF THE
ROYAL COLLEGE OF SURGEONS
OF ENGLAND.
BY AN
OLD MEMBER OF THE COLLEGE.

"I write for three reasons: first, because I really wish to do good; secondly, because if I don't write I know nobody else will; and thirdly, because it is the nature of the animal to write, and I cannot help it."—*Sidney Smith*.

LONDON :
JOHN CHURCHILL, PRINCES STREET, SOHO.
MDCCCXLV.

LONDON :
PRINTED BY G. J. PALMER, SAVOY-STREET, STRAND.

A FEW WORDS ON THE FELLOWSHIP, &c.

MR. PRESIDENT AND GENTLEMEN,

THE public appearance of a long official letter, from the Council of the College of Surgeons to the Secretary of the National Association of General Practitioners, is a circumstance which, at the present juncture, could not fail to create considerable sensation, and accordingly, like most other members of the College, I applied myself to the perusal of the document alluded to, with no small curiosity to learn what course you had it in contemplation to pursue with regard to the much discussed but little disputed question of the Fellowship.

I own I did not expect that any proposal of a conciliatory character would be found to emanate from your body, nor did I at all imagine that you would be able, if willing, to devise any measure likely to prove satisfactory to all parties, or even to any party. The time for that is gone by. But slight as were my hopes of anything like an attempt on your part to adjust the difficulties of the present crisis, or to remedy the un-

happy confusion into which you have contrived to throw the profession, I confess I was not prepared for the humiliating spectacle which your letter brings before me, of a body of men whom I have hitherto looked upon as respectable, and whose unpopularity at this moment I was willing to regard as more due to want of judgment than to any other fault,—a body of men for many of whom individually I entertain feelings of personal regard, and for the difficulties of whose position all thoughtful members of the profession have been ready to make allowance,—I was not, I say, prepared for the truly disgraceful exhibition, of such a body of men having the effrontery to enter upon a deliberate justification of a measure the flagrant atrocity of which has brought down upon them the indignant rebuke not only of the whole medical profession, but of nearly the whole public press, without distinction of sect or party ; and to support that justification by means which I cannot otherwise characterize than as gross misrepresentation of facts. These are hard words, and it is therefore incumbent on me to enter at once upon such explanations as they may seem to require ; and I do this the more readily, because the first part of your letter being merely a recapitulation of the topics alluded to in the late remonstrance of the National Association, needs no comment from me, who am not a member of that body ; however strong may be my conviction, that the contemptuous tone you have thought proper to adopt, is not exactly what might be expected from one body of gentlemen to another, nor, considering the position you now occupy in the public eye, is it, to say the least of it, quite becoming.

Passing over, therefore, this preamble, I come to the following paragraph :—

“ In noticing the protest of the National Association, the Council have to remark, that the formation of the new class of fellows was an obligation imposed upon them by her Majesty’s government, for the purpose of providing an electoral body. The principles on which they acted, in conformity with the provisions of the recent charter to that effect, are sufficiently explained in the following paragraphs, quoted from a statement dated May 25th, 1844, which was circulated among the members.

“ ‘ The Council entered on the duty assigned to them by the provisions of the charter, with a full sense of its invidious nature. They were aware, that of those not included in the list of fellows, a considerable number would feel and express dissatisfaction. But they have done what was required of them to the best of their ability, and have made the selection altogether on public grounds, without favour or prejudice, and uninfluenced by private motives.’

“ ‘ The great majority of the members of this College are less engaged in the practice of surgery than in that of medicine, midwifery, and pharmacy, and many of them have arrived at well-deserved eminence in these latter departments of the medical profession. But the Council, keeping in view the objects for which the College was especially established, have felt it their duty, in the nomination of fellows, to regard chiefly the qualifications of members as practitioners in surgery, or as improvers of those sciences which tend to its advancement.’

“ Thus was the principle which guided the Council

in discharging this responsible duty publicly proposed, and submitted to the opinion of the members of the College whilst the power of nomination still remained ; and the principle unhesitatingly avowed by the Council, as that upon which they acted, and upon which they feel bound to act, were they entrusted with the office of reconstructing the schedule of fellows, is that of the selection of those who have distinguished themselves by the cultivation of surgery and its collateral sciences."

Now I would put it to any honest man, who may have read the foregoing sentences, whether he would not suppose that the Council had acted with judicious discrimination, and that the principle of selection here laid down was apparently the one best suited to the object in view ; and when I had obtained his assent to this proposition, which I think you will agree with me he could not withhold, I would then state to him the notorious and undeniable fact, that the actual list of fellows, so far from exhibiting traces of any such principle, or indeed any principle at all, consists of a medley of persons possessing every variety of qualification ; physicians, surgeons, dentists, men-midwives, and apothecaries, many of them, it is true, highly distinguished in their respective departments, and well deserving any honour that may accrue to them, but many, on the other hand, whose merits, be they what they may, have yet to be discovered. My honest friend would, no doubt, shrug his shoulders, and say that there was a mistake somewhere ; and to point out where this mistake lies is one of the objects I propose to myself in this letter, as it appears to me to have been overlooked.

In order to unravel the mystery of the whole transaction, I must have recourse to the succeeding passages of the "statement" you have referred to, where I find a more detailed account of the method by which, as you assert, you proceeded to apply your fundamental principle to particular cases; and without this additional reference, I must take leave to say that the principles on which you acted are *not* "sufficiently explained," notwithstanding your assertion to the contrary, and your wish to make it appear so.

On looking to the statement in question, then, I find as follows. After declaring that the great majority of members of the College are less engaged in the practice of surgery than in that of medicine, midwifery, and pharmacy, and that, although many of them have arrived at well-deserved eminence in these departments, the Council felt it their duty (keeping in mind the objects for which the College was especially established) to regard chiefly the qualifications of members as practitioners in surgery or the sciences specially related to it; you proceed to announce that "in accordance with *this* principle," you placed in the list of Fellows the surgeons of all the recognized hospitals in England and Wales, under the conviction that surgeons of large hospitals have the best opportunity of experience in surgery, and that they are principally consulted in surgical cases. Now without stopping to inquire into the truth of the latter assertion, which certainly admits of two opinions, I will merely ask what accordance there is between the "principle" laid down and this alleged application of it, and what claim the one has to be considered as a development

of the other? Had you limited your nomination of hospital surgeons to such as were not engaged in medicine, midwifery, or pharmacy, the adherence to a principle would have been intelligible; or as this would have been too exclusive, had you taken any one ground of selection, no matter what, among hospital surgeons, in which body, I suppose, you will not deny that there are as many kinds and degrees of excellence as in any other, there would have been less room for complaint. But to overthrow the principle upon which you started, the first moment you began to put your new powers into action, and then take credit for acting up to it, by suppressing all allusion to any other mode of selection, and referring to one single paragraph of your statement to which nobody objects, as if you really had adhered to it, has a something of dishonesty in it, not quite creditable either to your candour or veracity. And this is precisely what I meant when I accused you of misrepresenting the facts of the case; you state that you proceeded upon one principle, while there is evidence to show that you proceeded upon another. Your avowed object was to signalize surgeons as separate from general practitioners, and recognize a distinction which already exists, and which the public are familiar with; whereas your real object was to distinguish hospital surgeons from others, and by making the mere possession of such an appointment a sufficient title to the honour of the fellowship, you endeavour to lead the public to suppose, that the being elected surgeon to a hospital is a sort of attestation of superior merit; whereas it is more often the mere result of local interest or personal exertion. I have dwelt longer upon this

point than I should otherwise have done, because it appears to me to be the one idea which has been present in your minds throughout the whole transaction, and because those who have watched carefully the affairs of the College during the last ten or twelve years, know very well that the exaltation of all those who happen to be employed in teaching the profession over those engaged in the practice of it, has been for a long while a favourite project with the council, and one which they have never lost sight of from the time when they issued the abortive "Ordinance" of 1836, in which the original term *lecturers* was surreptitiously changed into *teachers*, in order to include the hospital surgeons who were supposed to come indirectly under the latter denomination. The history of this ordinance is so necessary to a proper understanding of the question about the fellowship, that I shall in an appendix furnish the reader with a copy of a letter relating to it, which appeared in the "Medical Gazette," and which will show that the writer foresaw and forewarned the council of the fatal precipice which was before them, and their blindness to which all true well-wishers to the College have now so deeply to deplore. But the exclusive nomination of the hospital surgeons, was, it would seem, rather too strong a measure, and one not likely to pass unobserved, and therefore the statement goes on to say, secondly, that you were "aware that in several parts of the kingdom there are members of the College having considerable reputation as surgeons, and called into consultation in surgical cases, by the practitioners in their neighbourhood, although they have no connexion with hospitals; and the council thought it right to place the

most eminent of such persons on the list of fellows. In executing this part of their duties, great circumspection was required, lest improper names should be inserted and proper ones omitted. In this respect, the (first) list is incomplete, there being individuals in this class whose claims are still under consideration." Now I should like to know how it came to pass, that some surgeons who had acquired considerable reputation should be subjected to such severe scrutiny, while others, of whom it is not even pretended that they have acquired any reputation at all were included without any question; or why the claims of individuals of the former class only were exposed to the indignity of a more lengthened "consideration." I say indignity, because the charter is so worded, that all persons placed in the second list of fellows, are actually lower in rank than those in the first list, a circumstance which should have made you particularly careful to preserve the chronological order of seniority, and not to allow any to occupy a position in the second list but those whose age was such as naturally to place them there.

There is also another circumstance connected with this part of the subject which I must not pass unnoticed, I mean your assertion that the intention of the second list was to enable you to supply the deficiencies of the former one. Now without hazarding the slightest guess at the object of that second list, (for I confess myself utterly unable to do so,) I venture to feel sure, that her Majesty's government certainly did not intend by it, that persons deserving of the fellowship at all, should be put into another class as it were of *second rate fellows*, merely because they were left out

of the first list, through your ignorance or carelessness.

The next paragraph in the "statement," relates to the case of military and naval surgeons, documents relating to which subject I shall put together in the appendix, that they may speak for themselves.

In the mean time I pass on to the succeeding clause of this precious production, which declares that "there are in London several practitioners in surgery, who, though not connected with hospitals, were considered eligible to the council under the former charter, and under former usages, and the council, therefore, thought that they ought to be admitted to the fellowship;" the question being, "not whether they should be elevated into a new position, but whether they should be displaced from one they had previously occupied." With regard to these gentlemen, I shall take the liberty of observing, that as the object of the new charter was to throw open the College upon less exclusive principles than formerly governed it, and in short to make it both by name and in reality, a College of the *Surgeons of England*, instead of a College of *Surgeons in London*; it was clearly contrary to the spirit of the said charter to confer any exclusive privilege in imitation of former usages, upon the ground of a mere residence within the metropolis.

Although it is quite true that no one could be eligible to the council, unless he were within such a distance as to enable him to discharge the duties of that office, it by no means follows, that a distinction altogether honorary should be monopolized by London practitioners, to the exclusion of others whose qualifications were exactly

the same in all respects, and who would, as before, become eligible to the council, by the mere act of changing their place of residence. So far from its being true that the parties to whom this clause refers, were not elevated into a new position ; the fact is, that the new position was made on purpose for them.

As the remaining clauses of the statement to which I have hitherto made reference relate only to particular cases, and are not intended to convey the idea of any general rule of selection, I shall not now allude to them, my object being to prove, that according to your own showing, the nominations to the fellowship were made upon very different grounds, than an exclusive devotion to surgery, and that your boasted exemption from the influence of favour and prejudice in this matter is utterly without foundation.

I shall now conclude these few remarks on your memorable statement, by merely entering my protest against the cool assurance with which you attribute a defective education to all those members whom it has not been your pleasure to honour, while you considerably inform them that they may, forsooth, raise themselves by their own industry and talents, to the same rank in the College with those whose advantages have been greater ; and by assuring you that the medical profession generally is fully aware that each individual " makes his own place in society," and that there was no occasion to guard us so tenderly against the tantalizing delusion that the possession of the fellowship of the Royal College of Surgeons, would materially change our condition in this respect, and make our company more eagerly sought after by the aristocracy than it was before.

So much then for your statement itself, a production which bears evident marks of being a mere after-thought, got up for the purpose of quieting, if possible, the clamour to which the publication of the first list gave rise. As an exposition of your avowed principles of nomination, it challenges criticism ; although till its appearance no one ever supposed that you would have the effrontery to assert, that you had acted upon any principle at all, the very reverse being well-known to be the fact.

I call upon you to deny, if you can, that when you first set about to create the new class of fellows, you adopted no other mode of selection than by putting down the names of such persons as you happened individually to be acquainted with, and that up to the time when the list was obliged to appear, the notion of binding yourselves down to any rule or method, never once entered your heads.

I must now return to the point from whence I started, and say a few words in reference to your reply to the letter of the National Association. This document is not a little curious, for in it you openly declare, that for years past you have been conferring your diploma upon persons possessed of no more surgical knowledge than fits them for the performance of their duties under "ordinary exigencies."

Now although this was well-known in the profession, I think the public will be not a little staggered at it ; and while you take the credit of providing for the "needs of society," society will not be slow in perceiving that the lives of the public have been heartlessly placed in jeopardy, while you have been pocketing the

money of medical students, obtained under false pretences.

Does your diploma say one word about "ordinary" exigencies?" No, it declares that the candidate has been deliberately examined in the art and science of surgery, an art and science which although it does contain, certainly is not limited to the minor operations as they are called. Needs of society indeed! What have you to do with the needs of society? So far from your being called upon to take such needs into your consideration, any person might, in spite of you and your diploma, practise surgery upon all classes of her Majesty's subjects. Gentlemen applied for your diploma, not to satisfy the law, that they were provided with the requisite stock in trade to commence business as surgeons, but because a just and honest examination would put a seal upon their education, and the names of eminence attached to their diploma would attest their proficiency before the eyes of the world.

This is what they paid their money for, and then after taking their fees, and politely bowing them out, you turn round upon them some years after and tell them, that so far from their diploma being a proof of their having received an education to qualify them as surgeons, the majority of them have only the requisite amount of knowledge for the ordinary exigencies of their profession!

More than this, will you dare to insinuate with the examination papers before the public, that the successful candidates for the fellowship in the examination of December last, have given evidence of their being possessed of one jot more knowledge than this? will you

have the audacity to say that "they have obtained their rank by any authorized claim to superior surgical attainments?"

You very justly demur to the proposal of admitting all present members of the college to the fellowship, on the ground that its possession would then be no mark of distinction, and you justly point out the inexpediency of adopting a standard of mere seniority which would injure the respectability of the new grade, by bringing within it many parties of low character and unprofessional habits, "professional paupers," "persons of notoriously bad character," "those who have violated the laws of their country," "puffers and vendors of secret nostrums," "writers of indecent advertisements," "surgeons' assistants," "chemists and druggists," "retail shopkeepers who expose for sale cattle drugs and perfumery."

You justly demur to any standard of selection which would leave the fellowship unprotected from such degradation as this, *but only so long as nothing is to be got by it.* You refused to admit the many, so long as you were to do so for nothing, but are quite willing to swamp the fellowship if you can make money by doing so, and sell the diploma of the higher grade quite as cheaply as you have for years that of the lower. What but this is the meaning of your concluding wish that *many or all* the members of the college will take advantage of the opportunities afforded them of honourable distinction (!) that is, paying ten guineas, and answering a few questions which a student of the first year would laugh at?

I have to thank you for the acknowledgment of the mode in which your diploma has hitherto been granted,

and for making known its real value, because I am inclined to think that without such an acknowledgment on your part, the public would hardly believe the fact. They have it now, however, on the best authority, and I take it for granted in the observations I am about to make.

I shall now therefore proceed to consider what you ought to have done under the circumstances in which you were placed, and in order to make myself intelligible, I must premise a few words on the state of the profession for some years past, and the objects to be aimed at by those whose duty it was to care for the dignity and welfare of the College.

It must be borne in mind that the College had no power to compel any person to undergo its examination, or to prevent their practising surgery without doing so ; and yet it had contrived to acquire for itself that control over surgical education in this country, which while it was exerted in a healthy manner, more than supplied the place of legal enactments.

The surgeons of the Metropolitan hospitals being for the most part, either members of the council, or aspirants to that honour, the pupils of these institutions were nearly one and all influenced to become members of the College. They looked forward to the time of their passing as the termination of their pupilage, and were led to believe that without the sanction of the college diploma, they could not hope to practise their profession with respectability or success.

The examination, however, was far from strict, the necessity of providing surgeons in large numbers for the army and navy during the war had been a sufficient reason for not being too particular in this respect,

and thus the college diploma was to be had on easy terms.

Such was the state of things when the Apothecaries' Company obtained their Act of Parliament which conferred upon them the power of compelling all those who intended to practise as general practitioners to undergo an examination by their board; and so well did they discharge the duties which devolved upon them, that in a very short time students began to feel that "the Hall" was a much more formidable affair than "the College." Most of them, however, were obliged to pass it, because their career as general practitioners was marked out for them by their private circumstances, and those to whom the saving of a few pounds was no object, passed the College as well, because the title of surgeon sounded more respectable than that of apothecary, and because the names attached to the one diploma carried with them a weight which those of the other did not.

This examination of the Apothecaries was always an unpalatable business, and therefore students began to look about for means of evading it. They found that the company could only touch them for selling the physic they prescribed, and they therefore hit upon the plan of contenting themselves with the College diploma, and arranging with some chemist to supply their medicines. Thus began the existence of a hybrid class; men who were surgeons without the education of surgeons, and apothecaries without the legal qualification of apothecaries, gentlemen without the acquirements of gentlemen, and tradesmen without the risks of trade.

This class of persons are chiefly to be found in London, and other large towns, the nature of village

practice not generally admitting of such an arrangement.

Now, gentlemen, if you had at this time gradually raised your curriculum of study, and the fee for your diploma, and the age of admission to it, you would have done more to elevate the character of the surgical profession, than all the medical reform bills which Sir James Graham's measure may be the father of. You would have compelled all those who wished to avoid the degradation of submitting to an examination by "a trading company," as the phrase was, to undergo a thorough surgical education, and you would have afforded some sort of protection to those members of your own College who, aspiring to the higher honours of the profession were educating themselves accordingly, from being swamped by a multitude of half-educated competitors between whom and themselves the public would be unable to discriminate.

You would have elevated the character of the college by compelling those who could not afford to wait till the age you prescribed, and spend four or five more years in study, to content themselves with the apothecaries' certificate, a certificate, by-the-bye, to the credit of that body be it said, which no one could obtain who was not surgeon enough "for the needs of society" and fully competent to meet the "ordinary exigencies of surgical ministrations."

The high character of your diploma would have enhanced its value in the eyes of gentlemen seeking a profession for their sons: while the title of apothecary not possessing those charms for tradesmen, which the respectability of the word surgeon carries with it, the

profession would not have been overstocked as it now is, with persons who have brought into it only the degrading habits of a low education, and the meanness which springs from necessity.

The College would then have been a centre representing in a great degree the respectability of the profession, and gathering round it a large portion of the most highly gifted of its members, while the additional price of entrance would have fully compensated for any loss which the College might have suffered from the necessary diminution of the number of candidates.

It is sickening to turn from this picture of what you might have done and see what you really did do.

From the time the apothecaries obtained their act, the whole history of the College exhibits a mere succession of paltry shifts to undersell that company, and reduce the examination to such a point of laxity, that the students should not be frightened away. Those who were conversant with the gossip of the hospitals about twelve or fifteen years ago, know well that the general feeling in the minds of the students, was, that if they could pass the Hall, they could *a fortiori* pass the College, for it was the easier of the two; and thus the College was playing second fiddle in this concert; nor was this all, for as if the age of twenty-two involved a sacrifice of more years to study than surgery and its collateral sciences required, you soon after reduced it to twenty-one, rather than give the apothecaries the advantage of one year in the miserable competition you had now entered upon. You were thus fostering the growth of the half-educated hybrids I have described, who, while they piqued themselves upon their purity, had

really no distinguishing feature but their fear of the funking-room in Blackfriars, and who made a virtue of necessity, by pretending to an exclusiveness of which the only real element was the exclusion of knowledge.

While this state of things was going on, there were among the members admitted to the College a large number of gentlemen forming a totally different class, men who took a higher view of the obligations of their profession, and who considered the curriculum of the College a very insufficient preparation for the duties of a conscientious practitioner,—men who aspired to the higher walks of surgery, and desired to qualify themselves accordingly,—men who had doubled and trebled the amount of education required by the council, and would have been ready to enter the lists for any honours which the College might have to offer them. But it had none to offer! No first and second class prizes! It had been ruled that the examination was to be accommodated to the “needs of society,” and that there remained “no means of testing superior attainments.”

It seems you were not unmindful of the injustice of sending out into the world men so differently qualified as those I have described, with one and the same diploma. No, all this while the fellowship was *in petto*. You attempted it indirectly by means of the ordinance of 1836; but that failed, and there was nothing left but the new charter.

Now the mode in which the provisions of this charter have been administered has been already told; it only remains then to point out how they ought to have been, and in doing so, I shall merely confine myself to the discussion of a few broad and general principles.

Nothing could be more just than your own proposal "to regard chiefly the qualifications of members as practitioners in surgery," as distinguished from those who are occupied in other branches of the profession.

But how to draw the line? The question as to medicine is soon settled.

Chirurgus medico quo differt? scilicet isto;
Enecat hic succis, enecat ille manu,

is the poet's solution, but we have one simpler still. The one is called *Mister*, the other *Doctor*, a real tangible difference, and one which in this country is generally understood. No Doctor should have been admitted, and very few if any would have uttered one word of complaint.

Midwifery required a little more consideration. To have excluded practitioners in this department would have had the effect of nearly confining the new honour to those of the metropolis; it ought not therefore to have been a ground of exclusion.

Next as to pharmacy. The practice of pharmacy constitutes the difference between a surgeon and a general practitioner.

It converts a profession into a trade, and therefore has a direct tendency to degrade it. It should therefore have constituted a ground of exclusion; not merely the open, but the indirect practice of it, by such means as I have before alluded to. The neglect of this line of demarcation is the greatest mistake you have made yet, and one which may fortunately by a retributive process neutralize much of the mischief you have done. Fellow,

or no fellow, the public will still continue to regard the practitioner who dispenses medicines as inferior to the one who prescribes without dispensing ; and if, as it has been proposed, the corporation of General Practitioners shall create a degree founded upon this distinction, your fellowship will be utterly worthless. The one means nothing, it is merely a distinction where there is no difference, whereas the other will at once declare the possessor a professional person, and the world will estimate him accordingly.

It is singular to observe that by this oversight you have not only attempted to level existing distinctions, but have positively destroyed the very grade it was your object to form. You have forced Sir James Graham to put a meaning upon the registration clause in his bill, which was not intended at first, and which will have the effect of reducing the three divisions of the profession to two, and virtually put an end to the existence of the pure surgeon.

It is a pity that before you committed this lamentable error, it did not for a moment occur to you what effect it would have upon "the dignity of the College."

Had you at first declared that the abandonment of pharmacy would be a *sine qua non* in all candidates for the new honour, you would have obliged all those hospital surgeons who still adhere to the old mode of practice, and in short all expectants, to adopt this alternative, and thus you would have materially aided an improvement, which is steadily advancing, and which the public are beginning everywhere to appreciate, namely, the recognition of the principle that a medical man is to be paid for his skill, and not for his drugs;

as it is, you have done your best to retard by half a century this beneficial change.

Another ground of exclusion should have been this—That no one should be eligible who could not show the written recommendation of at least three fellows, as a voucher for his respectability and fitness. This would have been an effectual bar to the entry of all those rogues and vagabonds, of which you have furnished us with so fearful a catalogue, as the guardianship of the respectability of the grade would have been placed in the hands of those most interested in maintaining it.

To these preliminary disqualifications might have been added that of youth, in the shape of a requirement that all candidates should have a certain standing as members of the College,—a rule which might have been relaxed a little after the first list was filled up, if the number of candidates was not found to be too large.

These indispensable conditions being announced, you should have allowed members to make their own applications for enrolment, and you would thus have been enabled to make the *amende honorable* to those who could bring evidence of an extended education, and whom you had in no way distinguished from your ordinary-exigency men: a measure the more necessary, because such persons will be the least likely to condescend to undergo your second examination, and take their places at the bottom of the list.

The way in which you have all along affected to shut your eyes to the existence of such a class is one of the most remarkable features of your proceedings particularly while you speak of the necessity of seeking “other

evidence of distinguished surgical attainments, than the ordinary diploma :" nor is this all, for you positively refused to recognize such evidence when urged as it was in particular instances.

I will refer to a few which occurred within my own knowledge. The application, it is true, was not in all cases made *officially*.

A. B. is a practitioner of great local eminence, a thirty years' member of the College, was a dresser and house-surgeon at St. —— Hospital, where he was a student twelve years, an army surgeon through great part of the Peninsular war.

C. D., a gentleman well known as a most experienced and dexterous operator, was many years surgeon to a large hospital, and is retiring from practice.

Both these gentlemen were refused on the ground of possessing the degree of M.D., although several physicians are to be found in the list !

E. F., a gentleman now in practice as a consulting surgeon ; he was apprentice, dresser, house-surgeon, and eight years pupil at St. —— Hospital ; has written several works on physiological and surgical subjects—does not practice pharmacy—is surgeon to a public institution.

Refused on the ground of not being a *hospital* surgeon!

G. H., a gentleman, also in practice as a consulting surgeon, practises neither midwifery nor pharmacy, was dresser and house-surgeon at St. —— Hospital, continued to study at the metropolitan hospitals four years after passing the College ; also, formerly held a military appointment.

Refused on the ground of not residing in London.

J. K., a gentleman well known for his acquirements as a naturalist, and lecturer on comparative anatomy—many years member of the College, and surgeon to a public institution.

Refused as not being a hospital-surgeon, notwithstanding the following clause in the "Statement" of the council. *"Some individuals have been placed on the list of fellows from having distinguished themselves in cultivating the kindred sciences of anatomy, physiology, and natural history. The council cannot but regard such persons as ornaments of the College, and it will be gratifying to them to find others of the same class, who may be added to the list."*

L. M. was a dresser and pupil of many years at St. —— Hospital, also a teacher of anatomy, recognized by the College; practises neither midwifery nor pharmacy.

Refused because not resident in London !

N. O., a writer on several surgical subjects, was many years pupil and house-surgeon at St. —— Hospital, obtained one of the prizes of the College. Practises neither midwifery nor pharmacy.

Refused, reason not known.

I mention these few instances as readily occurring to my own recollection, and no doubt many of my readers can supply others ; and while these gentlemen were refused admittance, it is singular to turn to the list and find the names of some who have no qualification beyond the mere diploma, many who are in practice as apothecaries, one whose only recommendation is his intimacy with a member of the council, and another

who was elected for no apparent reason but because he obtained honours *in literis humanioribus* at one of the universities. So much for the purely surgical qualification !

To go back from this digression. It might appear presumptuous in any individual to assume such a tone of dictation as that which I have adopted, in thus pointing out to you, the course you ought to have pursued ; and therefore it is but right to say, that the suggestions here thrown out are no speculations of mine ; they are, with the exception of the medical degree, merely an exposition of the very principles on which the council of the Irish College acted under the same circumstances as those in which you were placed.*

* The following are the conditions according to which applications are [were] to be made for reception among the number of fellows of the Royal College of Surgeons of Ireland, extracted from the statement referred to.

“ 1. That candidates shall lay before the council evidence of their being qualified practitioners, or commissioned medical officers in the army, navy, or East India Company's service, of not less than seven years' standing.

“ 2. That the application of such candidates shall be supported by the recommendation of at least three fellows of the College.

“ 3. That candidates shall state to the council their willingness, should they be admitted fellows, to make and subscribe the following declaration and affirmation, as required by the charter.

“ I, A. B., do solemnly and sincerely declare, that I am twenty-five years of age and upwards, and that I will observe and be obedient to the statutes, bye-laws, and ordinances of the Royal College of Surgeons in Ireland, and that I will, to the best of my power, endeavour to promote the reputation, honour, and dignity of the said

The document in which these principles are propounded, exhibits such a marked contrast in its tone to your own statement, that it is well worthy of perusal. It has also the additional recommendation of having been issued before and not after the deed was done, and is therefore free from the imputation of mockery, which always must rest upon your own production, while you claim for it the character of a "proposal publicly submitted to the members of the College ;" whereas, it was only an *ex post facto* declaration of the course which you had begun, and in which course you professed your determination against all opposition to persevere.

In these hasty observations, I beg it may be remarked, that I have not said one word about the charter itself. I have left untouched the question as to the mode of electing the council, and many other subjects, not because I consider them undeserving of animadversion, but because the discussion of them would have been foreign to my purpose, and would have extended these remarks to an inconvenient length.

My object has been merely to show, that your alleged adherence to the principle, whether right or wrong, of a merely surgical qualification in your selection of fellows, is *utterly untrue* ; and to assure the public, that notwithstanding your insinuations to the contrary, (and in which I am at a loss to discern any wish to uphold the dignity of the College,) there are still to be found

College, and that I do not now practise the business or profession of an apothecary or druggist, or indirectly sell drugs or medicines, and that I will not, so long as I shall be fellow of the said College, practise such business or profession."

among the *members* of that body a large number of persons whose education and acquirements not only qualify them to grapple with the "ordinary exigencies," but also with the profoundest embarrassments of their profession.

I am, Mr. President and Gentlemen,

Your obedient servant,

AN OLD MEMBER OF THE COLLEGE.

POSTSCRIPT.

SINCE the foregoing pages were written, I find that Sir James Graham has declared, that "If the members of the College of Surgeons can prevail upon the council to extend the number of fellows, he will gladly co-operate in the obtaining of a new charter of incorporation from the crown, and that the matter now lies entirely between the members and the council." This being the case, I cannot conclude without strongly urging you to adopt the following course, as I believe that under present circumstances it is really the best you can pursue. Abandon at once your absurd re-examination of present members, a plan which must sooner or later bring discredit upon the fellowship altogether, since you are obliged to make it so elementary, that all notion of superiority or distinction founded upon it, is simply ridiculous. Throw open the fellowship to all existing members (not physicians) who may now or hereafter be willing to comply with terms something similar to those proposed by the Irish College, namely, a membership of ten

years' standing, the recommendation of three or five fellows, the abandonment of the practice of pharmacy, direct or indirect, and the payment of some nominal fee. Enforce the qualification as to pharmacy upon all *future* fellows, and level the gradations at present existing among the fellows themselves under the operation of three modes of creation, by at once declaring all fellows eligible to the council who shall have attained the age of forty years, and are resident within reach of the College; and let these retain their eligibility for ever; for the disqualification at present attaching to the fact of non-election after a certain period, is a circumstance which must before long create a feeling of great dissatisfaction, and detract largely from the value of the fellowship itself.

I verily believe that the proposal I have now sketched would do more to cement the members of the College in one bond of union with their *alma mater* than any other, while it would at the same time have an indirect tendency to elevate the character of the surgical profession. It would not, it is true, give satisfaction to all parties, but it would give satisfaction to all those who have most cause to consider themselves aggrieved, and none would be excluded from any honour, except by circumstances which would afford a stimulus to his exertions. Every one would be glad to reach such a position in his profession, as to be able to give up "combining the retail," and his college would back him by its *imprimatur*, whenever he should be able to do so; *an imprimatur* which at present he is obliged to obtain from some other body; while the provincial surgeon would feel, that were he tempted to seek in the great

metropolis a nobler field for his ambition, he would not be, as he now is, shut out from the higher honours of his profession by a bar which no exertions of his own can possibly overcome. For it is to be remembered, that the average duration of human life renders it next to impossible that any one who now obtains the fellowship by examination, can ever become a member of the council while the present seniority among the fellows exists.

The present qualifications for the council might or might not be allowed to remain, although in my opinion that of not practising midwifery might with advantage be abandoned.

Let me once more urge a hope, that nothing I have hitherto said may lead you to disregard these last remarks. They are offered with no other feeling than a sincere wish to see the College occupy that place in the estimation of the profession and the public which it has hitherto enjoyed, and to point out a mode of adjusting the unhappy differences which at present threaten to sever from its bosom a large portion of the surgeons of this country. Lastly, they are offered by one who deems that he would be disregarding the oath which he took at his admission were he to remain silent at the present juncture, while he thinks he can suggest anything likely to promote "the dignity and welfare of the College."

London, May 3, 1845.



A P P E N D I X.

No. 1.

THE FOLLOWING IS A COPY OF THE LETTER REFERRED
TO IN PAGE 9.

COLLEGE OF SURGEONS. RECENT ORDINANCE.

*To the Editor of the Medical Gazette.**

SIR,

THE College of Surgeons have latterly issued an ordinance, that all teachers of anatomy and surgery must undergo a second and special examination, to entitle them to the privilege of having their certificates recognized. The original term of the rule was *lecturers*, but it has been since changed to *teachers*, and thus may apply to surgeons of hospitals, who are supposed to be teachers of surgery to the pupils. This rule has been sent to the metropolitan hospitals, with a view to induce the governors to demand as a qualification, that all candidates for the office of surgeon shall have to undergo this second examination, and rendering all others ineligible. Now, in the first place, it is surely a very questionable mode of law-making, to strain the

* Vide vol. xx. p. 605.

meaning of a rule from the original intention of its framers, by the implication that the word teacher can mean hospital-surgeon ; if such a law is proper, why not promulgate it in plain terms ? As applied to lecturers, it is a just and proper law, because no man should think of lecturing without that study of minute anatomy which will qualify him for this examination. As applied to all who may offer themselves as candidates for the office of surgeon to an hospital, it appears unjust, being retrospective, and carrying with it a sort of admission that the College examination has hitherto been imperfect, and the diploma of no value, although heretofore considered a sufficient qualification, stating that "A. B. has been deliberately examined, and found to be fit and capable to exercise the art and science of surgery, and we authorize him to practise the art and science accordingly." We, the examiners, think him fit to practise surgery everywhere but in a hospital.

Why should not the new law apply equally to dispensaries, jails, workhouses, &c.? Surely it would be very unjust to the members of the College generally, if they are to be prevented from holding any appointment without going to school again. Will not this new rule render the diploma no better than waste paper?

Is it fair, at this time of day, to introduce a new distinction, which will lower the old members in public estimation? Is it wise on the part of the Council to diminish the value of their diploma?

If the fixed income of the College, from funded or other property, is not large, the experiment appears a very dangerous one. The effect must be to diminish the number of applicants for the ordinary diploma,

which will not be of as much value as the license of the Apothecaries' Company, to say nothing of the New University. In a year or two, very few will go to the College, unless they mean also to obtain the higher honour, and that cannot be had before the age of twenty-five; no country practitioners will wait for it, and the members of the College will be limited almost to those who practise surgery only. Where the College receives a hundred fees for diplomas, with this new rule it will not receive ten. Can the establishment be kept up should such a defalcation in its revenue take place? The Council of the College has of late years, by the establishment of a library, lectures, &c., done much to merit public approbation; and it would be lamentable that any step should be adopted that might now injure its utility.

I have troubled you with these cursory observations, in the hope that your attention and that of the medical public being called to the subject, this new law may be fairly discussed before it is finally adopted.

I am, Sir,
Your obedient servant,

.

July 12th, 1837.

No. 2.

**COPY OF A PETITION FROM MR. GUTHRIE TO THE
HOUSE OF COMMONS, REFERRED TO AT PAGE 11.**

The petition of George James Guthrie, of Berkeley Street, Berkeley Square, a Councillor, and late President of the Royal College of Surgeons of London,

Humbly sheweth,

That although your petitioner, in his collective capacity, has been compelled to accept the grant of a new charter in the said College, a copy of which was lately laid on the table of your honourable House, he considers several of the provisions of the said charter to be illiberal, exclusive, and unjust.

That independently of its placing a bar on the poor man, preventing, in many cases, his obtaining by his own exertions such places of honour as there may be in the profession of surgery; it offers unnecessary advantages to the richer student in the attainment of these offices, who may not possess half his ability, his perseverance, or his knowledge; it presses with peculiar severity on the officers of the public service, nearly the whole of whom are deprived by it of those privileges they enjoyed in common with their surgical brethren of equal standing in civil life, whilst also they will be deprived in future of the hopes of succeeding to these offices of honour or profit, whatever may be their ability, or the pre-eminence they may have acquired in the service of the country from their talents or their labours.

Your petitioner has hitherto believed, that a gentle-

man employed in the service of his Sovereign did not forfeit those rights which he had previously acquired as a citizen and a subject ; in virtue of which right your petitioner has twice held the office of President of the College, but which he could not have done if this charter had been formerly in existence ; that as the friend of many of the seniors, the teacher of many of the junior officers of the medical departments of the navy, the army, and the East India Company, they have called upon him to use his best endeavours to preserve to them the rights and privileges they have hitherto enjoyed.

Your petitioner humbly approaches your honourable House, in compliance with such call, on behalf of the whole of these officers.

Your petitioner believes there are few members of your honourable House, who, in the persons of their fathers, their brothers, their children, or their relations, have not had reason to be thankful for the professional services of the men, it is now intended to deprive of their ancient rights and future prospects ; he has seen many of the officers of these services lay down their lives in the service of their country, suffering solely from their devotion to their duties, and the privations they necessarily underwent. He is aware that many others performed very arduous duties with a coolness and precision, under circumstances of difficulty and danger, deserving of the greatest praise, and for which they, as well as their more martial comrades of all arms, have on many occasions received the thanks of Parliament ; that several of these officers who shared in those thanks, said to be the greatest honour a grateful country can give, now find themselves altogether

omitted from the privileges proposed to be granted by this charter, or placed below gentlemen who were not even born when these thanks were bestowed, and whose principal merit is, that they are living, and can live in London with a reputation which, however great and well-deserved it may hereafter become, has yet to be acquired.

Your petitioner believes that the evil which has been thus committed, has been unintentional, and that it can be remedied by a supplement to the charter.

Your petitioner, therefore, humbly prays, that your honourable House will not confirm the said charter by any act or acts whatever relating to medical or surgical arrangements for the United Kingdoms, until your honourable House shall have granted your petitioner an opportunity of being heard, by himself or counsel, against them, or the particular parts to which this charter must necessarily relate, either at the bar of your honourable House or in such other way as your honourable House may be pleased to direct.

And your petitioner shall ever pray,

(Signed) **GEO. JAS. GUTHRIE.**

July 18th, 1844.

No. 3.

COPY OF LETTER OF SIR WILLIAM BURNETT, REFERRED TO AT PAGE 11.

TO THE PRESIDENT, VICE-PRESIDENTS, AND COUNCIL OF THE ROYAL COLLEGE OF SURGEONS OF ENGLAND.

Department of the Inspector-General of Naval Hospitals and Fleets, Admiralty, 24th, Feb. 1844.

Gentlemen,

I observe, by the list of fellows lately published to the number of three hundred, that the Council of the Royal College of Surgeons of England have departed from their original intention, as communicated by Mr. Guthrie, the late President, who, by desire of the council, addressed a letter to me explaining privately its objects, and requesting the names of the medical officers of the navy of the inspectorial rank, and who might be members of the College, to be associated as fellows with the surgeons and assistant-surgeons of hospitals, and the teachers of anatomy and surgery throughout the country, together with the older members of the profession not practising pharmacy.

That the council has departed from its original intention appears by its having placed on its list of fellows many young gentlemen, members of as late a date as 1837, and several others now practising as apothecaries; whilst it has totally overlooked all the surgeons of the navy, many of whom are very distinguished officers and members of the profession.

This having been done without any reference to me, and being at variance with the practice observed in the

case of those bearing the rank of inspectors and deputy-inspectors, whose names I beg to insert, viz., Henry Parkin, late Marine Barracks, Woolwich; William Rae, now Melville Hospital, Chatham; William Conbrorough Watt, now Naval Hospital, Malta; Robert Armstrong, now Naval Hospital, Plymouth;—these gentlemen all holding the rank of deputy-inspector of naval hospitals and fleets.

Under these circumstances, I think it but an act of justice to the naval medical service to enclose a list of surgeons of the navy, all of whom are highly deserving officers, and to request that the names of these gentlemen may be placed on the second list of fellows, to be made out before the expiration of one year from the date of the charter, viz., 14th of September, 1843, as directed by clause 4 of the charter in question; observing that there are many other surgeons who no doubt are fully deserving of being included in the list of fellows, but whose names I have omitted, simply because I have no personal knowledge of the parties, and the books of my department do not afford sufficient records to enable me to speak confidently as to their characters.

I have also omitted the whole of the assistant-surgeons, leaving it to the council to determine whether these gentlemen should not be included as fellows as well as the surgeons, many of these assistant-surgeons being gentlemen of high professional qualifications and attainments.

I beg likewise to draw the attention of the council to clause 8, which gives precedence to the first list of three hundred to the great prejudice of the surgeons

of the navy, who having been omitted in this list, can now be included in the second list only, and also to request that this error may be represented to the Secretary of State, so that by a supplemental charter, or in some other way, the precedence may be allowed in both lists, and each fellow's name stand according to the date of his diploma as a member: this act of justice being due to the officers of the public service.

I would further draw the attention of the Council to clause 5, directing that no person shall be admitted a fellow until after he shall have become twenty-five years of age; and at the same time, to enclose a copy of the regulations for candidates for naval medical appointments, by which it will be seen that these gentlemen are superannuated at the age of twenty-four, while these regulations, having been formed on experience, could not be altered with advantage to the public; and yet, as most of these gentlemen, either immediately on their admission into the service, or very shortly after, are sent to foreign stations, where they remain some years, this new regulation of the charter, made without any reference to them, effectually precludes the probability of those officers of the navy becoming fellows for many years after the time appointed, and from the precedence granted to fellows according to the date of taking the fellowship, consequently prevents officers of the navy from the probability of their having a seat in the Council, or of attaining any of the offices of the College of either honour or emolument.

I have therefore to request, that the Council will be pleased to recommend to the Secretary of State, that this claim, granting precedence according to the date

of fellowship, should be altered, and that the fellows should hereafter rank as in the first list according to the date of their diploma as members of the College, or that all precedence should be abolished, the fellows being arranged alphabetically, and made eligible for seats in the Council at any period after fifteen years, or such number of years' standing as may be deemed advisable ; without one of which, or some other similar alteration, great injustice must be done to the medical officers of the navy.

I beg to state distinctly, that I have no desire that naval medical officers should evade any examination which others undergo ; and I am of opinion that, as these gentlemen are twice examined and approved by the College, once as assistant-surgeon, and again before they become surgeons, they ought, if such examinations be really worth anything, to be admitted fellows after ten years of service and of practical experience, on their certified merits, without further trouble, unless the Council mean to repudiate the diploma they now grant, in which case it may become a question as to whether it shall remain a qualification which the medical officers of the navy ought to be ordered to obtain or otherwise.

I take this opportunity of observing, that it is my invariable practice to give the assistant-surgeons of the navy the means of renewing their studies, and preparing themselves for their second examination, by granting them leave of absence for that purpose ; and that, therefore, if they do not present themselves to the Court of Examiners in such state of preparation as to enable them to pass a good and creditable examination, such deficiency has been occasioned by their own neglect

and not by any want of indulgence from the public service; I therefore sincerely hope that the Court will, on every occasion, reject these gentlemen, unless they prove themselves fully qualified.

I have, &c.

(Signed) W. BURNETT,
Inspector-General of Naval Hospitals and Fleets.

[Here follows a list of the names.]

LONDON:

G. J. PALMER, PRINTER, NAVOY STREET, STRAND.



1







